

**SENATE BILL 439 (LRB -3916)**

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

**2009**

- 12-23. S. Introduced by Senators **Sullivan, Kreitlow, Holperin, Lehman, Leibham, Wirch, Plale, Miller, Lassa, Schultz, Darling, Vinehout** and **Taylor**; cosponsored by Representatives **Molepske Jr., Dexter, Roys, Turner, Pope-Roberts, Ziegelbauer, Kerkman, Staskunas, Clark, Zepnick, Bernard Schaber, Strachota, Lothian, Bies, Fields, Gunderson, Vos** and **Zigmunt**.
- 12-23. S. Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue ..... 459

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- 01-04. S. Withdrawn from committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue and rereferred to committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions, pursuant to Senate Rule 46 (2)(c) ..... 464
- 01-06. S. Representative Hilgenberg added as a cosponsor ..... 469
- 01-20. S. Public hearing held.
- 01-21. S. Fiscal estimate received.
- 01-21. S. Fiscal estimate received.
- 01-27. S. Senator Carpenter added as a coauthor ..... 519
- 02-02. S. Senate amendment 1 offered by Senator Sullivan (**LRB a1450**) ..... 533
- 02-02. S. Senate amendment 2 offered by Senator Sullivan (**LRB a1451**) ..... 533
- 02-03. S. Executive action taken.
- 02-04. S. Report adoption of Senate Amendment 1 recommended by committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions, Ayes 4, Noes 0 ..... 542
- 02-04. S. Report adoption of Senate Amendment 2 recommended by committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions, Ayes 4, Noes 0 ..... 542
- 02-04. S. Report passage as amended recommended by committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions, Ayes 4, Noes 0 ..... 542
- 02-04. S. Available for scheduling.
- 02-04. S. Report of joint survey committee on Tax Exemptions requested.
- 02-04. S. Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0 ..... 542
- 02-12. S. Senator Jauch added as a coauthor ..... 558
- 02-16. S. Executive action taken
- 02-16. S. Report adoption of ~~Senate Amendment 1~~ **WRONG LRB NUMBER** recommended by joint committee on Finance, Ayes 16, Noes 0 by committee on Finance (**LRB a1499**) ..... 561
- \* 02-16. S. Report adoption of Senate Amendment 2 recommended by joint committee on Finance, Ayes 16, Noes 0 .. 561
- 02-16. S. Report introduction of Senate Amendment 3 recommended by joint committee on Finance, Ayes 16, Noes 0 ..... 561
- 02-16. S. Report adoption of Senate Amendment 3 recommended by joint committee on Finance, Ayes 16, Noes 0 .. 561
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- 02-16. S. Available for scheduling.
- 02-16. S. Report of joint survey committee on Tax Exemptions received ..... 561
- 02-16. S. Senator Harsdorf added as a coauthor ..... 562
- 02-16. S. Senator Kedzie added as a coauthor ..... 562
- 02-16. S. Senator Hansen added as a coauthor ..... 562
- 02-16. S. Rules suspended to withdraw from committee on Senate Organization and take up ..... 564
- 02-16. S. Read a second time ..... 564
- 02-16. S. **Senate amendment 1 adopted** ..... 564
- 02-16. S. **Senate amendment 2 adopted** ..... 564
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- 02-16. S. Rules suspended ..... 564
- 02-16. S. Read a third time and **passed**, Ayes 33, Noes 0 ..... 564
- 02-16. S. Ordered immediately messaged ..... 565
- 02-17. A. Received from Senate ..... 666
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- 02-23. A. Placed on calendar 2-25-2010 by committee on Rules ..... 0

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02-25.	A.	Rules suspended to withdraw from calendar and take up .....	700
02-25.	A.	Read a second time .....	700
02-25.	A.	Ordered to a third reading .....	700
02-25.	A.	Rules suspended .....	700
02-25.	A.	Read a third time and <b>concurred in</b> , Ayes 93, Noes 0, Paired 2 .....	700
02-25.	A.	Ordered immediately messaged .....	701
02-26.	S.	Received from Assembly concurred in.	

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**2009**  
**ENROLLED BILL**

09en S B-439 ✓

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

09 -3916 2 ✓

Amendments to above (if none, write "NONE"): SA1 - a 1450/1 ✓

SA2 - a 1451/1 ✓

SA3 - a 1499/1 ✓

Corrections - show date (if none, write "NONE"): None ✓

Topic Rel

2-28-2010  
Date

  
Enrolling Drafter



## 2009 SENATE BILL 439

December 23, 2009 – Introduced by Senators SULLIVAN, KREITLOW, HOLPERIN, LEHMAN, LEIBHAM, WIRCH, PLALE, MILLER, LASSA, SCHULTZ, DARLING, VINEHOUT and TAYLOR, cosponsored by Representatives MOLEPSKE JR., DEXTER, ROYS, TURNER, POPE-ROBERTS, ZIEGELBAUER, KERKMAN, STASKUNAS, CLARK, ZEPNICK, BERNARD SCHABER, STRACHOTA, LOTHIAN, BIES, FIELDS, GUNDERSON, VOS and ZIGMUNT. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

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.

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### *Analysis by the Legislative Reference Bureau*

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

This bill also adopts, for state income and franchise tax purposes, changes to the Internal Revenue Code, made by the federal Heroes Earnings Assistance and Relief Tax Act of 2008, that do all of the following:

1. Makes permanent the provision that allows members of the National Guard and the U.S. military reserves to make, without penalty, withdrawals from

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individual retirement accounts (IRAs), if they are called to active duty for a period that exceeds 179 days.

2. Allows individuals who receive a military death gratuity to contribute that amount to a Roth IRA, notwithstanding the annual contribution limit that would otherwise apply.

3. Allows reservists called to active duty to withdraw amounts from their health flexible spending accounts without incurring penalties.

4. Excludes from gross income any state or local bonus payment made to members of the U.S. military or their dependents, if the payment was made because of the member's service in a combat zone.

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

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

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

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

3           71.01 **(6)** (t) For taxable years that begin after December 31, 2006, and before  
4 January 1, 2008, for natural persons and fiduciaries, except fiduciaries of nuclear  
5 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal  
6 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,  
7 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
8 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
9 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
10 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
11 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
12 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
13 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
14 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of

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1 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to  
2 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,  
3 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and  
4 P.L. 109–432, and as amended by P.L. 110–245, excluding sections ~~101, 102, 103, 104,~~  
5 ~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L.  
6 ~~110–245,~~ and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203,  
7 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280,  
8 P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.  
9 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150  
10 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.  
11 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202  
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.  
13 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.  
14 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,  
15 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.  
16 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.  
17 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,  
18 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,  
19 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,  
20 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,  
21 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
22 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections  
23 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
24 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding  
25 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it

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SECTION 1

1 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
2 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
3 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,

4 ~~P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~

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5 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458. The  
6 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
7 purposes. Amendments to the federal Internal Revenue Code enacted after  
8 December 31, 2006, do not apply to this paragraph with respect to taxable years  
9 beginning after December 31, 2006, and before January 1, 2008, except that changes

10 to the Internal Revenue Code made by P.L. 110-245, excluding sections ~~101, 102, 103,~~

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11 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
12 P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the provisions

13 applicable to this subchapter made by P.L. 110-245, excluding sections ~~101, 102, 103,~~

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14 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
15 P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for  
16 federal purposes.

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

19 71.01 (6) (u) For taxable years that begin after December 31, 2007, and before  
20 January 1, 2009, for natural persons and fiduciaries, except fiduciaries of nuclear  
21 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal  
22 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,  
23 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
24 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
25 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,

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1 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
2 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
3 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
4 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
5 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
6 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
7 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
8 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
9 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
10 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections ~~101, 102, 103, 104,~~  
11 ~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L.  
12 ~~110-245,~~ and P.L. 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203,  
13 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
14 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
15 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
16 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
17 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
18 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
19 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
20 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
21 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
22 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
23 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
24 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
25 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,

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**SECTION 2**

1 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
 2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
 3 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
 4 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
 5 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
 6 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
 7 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
 8 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
 9 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
 10 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~  
 11 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458. The  
 12 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
 13 purposes. Amendments to the federal Internal Revenue Code enacted after  
 14 December 31, 2007, do not apply to this paragraph with respect to taxable years  
 15 beginning after December 31, 2007, and before January 1, 2009, except that changes  
 16 to the Internal Revenue Code made by P.L. 110-245, excluding sections ~~101, 102, 103,~~  
 17 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
 18 P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the provisions  
 19 applicable to this subchapter made by P.L. 110-245, excluding sections ~~101, 102, 103,~~  
 20 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
 21 P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for  
 22 federal purposes.

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**SECTION 3.** 71.01 (6) (um) of the statutes, as created by 2009 Wisconsin Act 28,

is amended to read:

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1           71.01 (6) (um) For taxable years that begin after December 31, 2008, for  
2 natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust  
3 or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code  
4 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.  
5 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
7 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
8 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
9 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
10 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
11 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
12 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section  
13 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
14 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 542, and  
15 513 of P.L. 109-222, ~~sections 811 and 844~~ <sup>SA1</sup> of P.L. 109-280, P.L. 109-432, P.L. 110-28, ✓  
16 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,  
17 P.L. 110-234, ~~sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202,~~ ✓  
18 ~~203, 204, 301, 302, 303, and 401~~ <sup>SA2</sup> of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.  
19 110-343, and P.L. 110-351 and as indirectly affected by P.L. 99-514, P.L. 100-203,  
20 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
21 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
22 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
23 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
24 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
25 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.

**SENATE BILL 439****SECTION 3**

1 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
2 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
3 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
4 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
5 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
6 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
7 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
8 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
9 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
10 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
11 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
12 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
13 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
14 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
15 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
16 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
17 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
18 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458. The  
19 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
20 purposes. Amendments to the federal Internal Revenue Code enacted after  
21 December 31, 2008, do not apply to this paragraph with respect to taxable years  
22 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**

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 ~~101, 102, 103, 104, 105, 106, 108, 110,~~  
17          ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.  
18          110-458, and as indirectly affected in the provisions applicable to this subchapter by  
19          P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2),  
20          812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L.  
21          100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.  
22          102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.  
23          102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and  
24          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.  
25          104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

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SECTION 4

1 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
2 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
3 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
4 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
5 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
6 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
7 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
8 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
9 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,  
10 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
11 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
12 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
13 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
14 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
15 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
16 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
17 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
18 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
19 P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin  
20 purposes at the same time as for federal purposes. Amendments to the federal  
21 Internal Revenue Code enacted after December 31, 2006, do not apply to this  
22 paragraph with respect to taxable years beginning after December 31, 2006, and  
23 before January 1, 2008, except that changes to the Internal Revenue Code made by  
24 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
25 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and

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1 changes that indirectly affect the provisions applicable to this subchapter made by

2 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~

3 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, apply

4 for Wisconsin purposes at the same time as for federal purposes.

5 SECTION 5. 71.22 (4) (u) of the statutes, as created by 2009 Wisconsin Act 28,

6 is amended to read:

7 71.22 (4) (u) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34

8 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after

9 December 31, 2007, and before January 1, 2009, means the federal Internal Revenue

10 Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.

11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,

12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,

13 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section

14 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and

15 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403

16 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910

17 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,

18 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301

19 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403

20 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of

21 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.

22 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as

23 amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110,~~

24 ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.

25 110-458, and as indirectly affected in the provisions applicable to this subchapter by

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**SENATE BILL 439****SECTION 5**

1 P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2),  
2 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L.  
3 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.  
4 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.  
5 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and  
6 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.  
7 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
8 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
9 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
10 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
11 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
12 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
13 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
14 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
15 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
16 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,  
17 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
18 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
19 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
20 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
21 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
22 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
23 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
24 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
25 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of

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**SENATE BILL 439**

1 P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin  
2 purposes at the same time as for federal purposes. Amendments to the federal  
3 Internal Revenue Code enacted after December 31, 2007, do not apply to this  
4 paragraph with respect to taxable years beginning after December 31, 2007, and  
5 before January 1, 2009, except that changes to the Internal Revenue Code made by  
6 P.L. 110-245, excluding sections 101, 102, 103, 104, 106, 106, 108, 110, 111, 113, 115,  
7 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
8 changes that indirectly affect the provisions applicable to this subchapter made by  
9 P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

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

12 71.22 (4) (um) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
13 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after  
14 December 31, 2008, means the federal Internal Revenue Code as amended to  
15 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections  
16 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),  
17 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.  
18 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.  
19 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.  
20 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.  
21 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
22 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
23 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.  
24 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
25 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of P.L.

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SECTION 6

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1

109-222, ~~sections 811 and~~ 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.

✓

2

110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.

3

110-234, ~~sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,~~

✓

4

~~204, 301, 302, 303, and 401~~ of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343,

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5

and P.L. 110-351, and as indirectly affected in the provisions applicable to this

6

subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2)

7

(B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008

8

(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.

9

101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.

10

102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),

11

13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

12

104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605

13

(d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.

14

105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.

15

106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,

16

excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.

17

107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.

18

107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and

19

202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.

20

108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,

21

401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211,

22

242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476,

23

P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,

24

1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146

25

of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,

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1 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
 2 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections  
 3 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
 4 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
 5 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
 6 ~~407~~ of P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for  
 7 Wisconsin purposes at the same time as for federal purposes. Amendments to the  
 8 federal Internal Revenue Code enacted after December 31, 2008, do not apply to this  
 9 paragraph with respect to taxable years beginning after December 31, 2008.

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

12 71.22 (4m) (r) For taxable years that begin after December 31, 2006, and  
 13 before January 1, 2008, "Internal Revenue Code," for corporations that are subject  
 14 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal  
 15 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,  
 16 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
 17 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
 18 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
 19 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
 20 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
 21 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
 22 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
 23 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
 24 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
 25 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,

## SENATE BILL 439

## SECTION 7

1 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and  
2 P.L. 109-432, and as amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104,~~  
3 ~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L.  
4 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
5 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
6 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
7 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
8 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
9 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
10 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
11 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
12 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
13 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
14 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
15 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,  
16 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
17 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
18 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
19 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
20 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
21 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
22 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
23 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
24 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
25 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.

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1 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,

2 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~

3 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458. The

4 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal

5 purposes. Amendments to the Internal Revenue Code enacted after December 31,

6 2006, do not apply to this paragraph with respect to taxable years beginning after

7 December 31, 2006, and before January 1, 2008, except that changes to the Internal

8 Revenue Code made by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106,~~

9 ~~108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and

10 P.L. 110-458, and changes that indirectly affect the provisions applicable to this

11 subchapter made by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106,~~

12 ~~108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and

13 P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

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

16 71.22 (4m) (s) For taxable years that begin after December 31, 2007, and  
17 before January 1, 2009, "Internal Revenue Code," for corporations that are subject  
18 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal  
19 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,  
20 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
21 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
22 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
23 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
24 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
25 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,

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## SECTION 8

1 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
2 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
3 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
4 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
5 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
6 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
7 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections ~~101, 102, 103, 104,~~  
8 ~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 40~~ of P.L.  
9 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
10 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
11 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
12 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
13 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
14 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
15 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
16 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
17 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
18 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
19 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
20 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,  
21 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
22 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
23 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
24 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
25 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections

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1 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
 2 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
 3 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
 4 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
 5 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
 6 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.

7 109-280, P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111,~~  
 8 ~~113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458.

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9 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
 10 federal purposes. Amendments to the Internal Revenue Code enacted after  
 11 December 31, 2007, do not apply to this paragraph with respect to taxable years  
 12 beginning after December 31, 2007, and before January 1, 2009, except that changes

13 to the Internal Revenue Code made by P.L. 110-245, excluding sections ~~101, 102, 103,~~  
 14 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of

✓  
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15 P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the provisions  
 16 applicable to this subchapter made by P.L. 110-245, excluding sections ~~101, 102, 103,~~

17 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
 18 P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for

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19 federal purposes.

20 SECTION 9. 71.22 (4m) (sm) of the statutes, as created by 2009 Wisconsin Act  
 21 28, is amended to read:

22 71.22 (4m) (sm) For taxable years that begin after December 31, 2008,  
 23 "Internal Revenue Code," for corporations that are subject to a tax on unrelated  
 24 business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as  
 25 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,

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**SECTION 9**

1 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections  
 2 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and  
 3 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of  
 4 P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of  
 5 P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of  
 6 P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
 7 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
 8 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
 9 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
 10 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
 11 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L. ✓  
 12 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.  
 13 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, ✓  
 14 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343, SA-2  
 15 and P.L. 110-351, and as indirectly affected in the provisions applicable to this  
 16 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140,  
 17 P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104,  
 18 and 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. 104-188, excluding sections 1123 (b), 1202  
 21 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
 22 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
 23 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
 24 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
 25 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.

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1 107-147, 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, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
 6 P.L. 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, and P.L. 109-280, excluding sections 811 and 844 of P.L.  
 13 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111,  
 14 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458.  
 15 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
 16 federal purposes. Amendments to the Internal Revenue Code enacted after  
 17 December 31, 2008, do not apply to this paragraph with respect to taxable years  
 18 beginning after December 31, 2008.

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

21 71.26 (2) (b) 20. For taxable years that begin after December 31, 2006, and  
 22 before January 1, 2008, for a corporation, conduit, or common law trust which  
 23 qualifies as a regulated investment company, real estate mortgage investment  
 24 conduit, real estate investment trust, or financial asset securitization investment  
 25 trust under the Internal Revenue Code as amended to December 31, 2006, excluding



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## SECTION 10

1 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),  
2 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and  
3 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165  
4 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of  
5 P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173,  
6 sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242,  
7 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308,  
8 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58,  
9 section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as  
10 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135,  
11 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L.  
12 109-280, and P.L. 109-432, and as amendeded by P.L. 110-245, excluding sections 101,  
13 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
14 401 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, P.L.  
16 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
17 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
18 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
19 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
20 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
21 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
22 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
23 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
24 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections  
25 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.

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1 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.  
2 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.  
3 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
4 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
5 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,  
6 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
7 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.  
8 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,  
9 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
10 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,  
11 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844  
12 of P.L. 109–280, P.L. 110–245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
13 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110–245, and P.L.  
14 110–458, “net income” means the federal regulated investment company taxable  
15 income, federal real estate mortgage investment conduit taxable income, federal real  
16 estate investment trust or financial asset securitization investment trust taxable  
17 income of the corporation, conduit, or trust as determined under the Internal  
18 Revenue Code as amended to December 31, 2006, excluding sections 103, 104, and  
19 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
20 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,  
21 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.  
22 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections  
23 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,  
24 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
25 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,

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## SECTION 10

1 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,  
2 section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a),  
3 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512,  
4 and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and  
5 as amended by P.L. 110–245, excluding sections ~~101, 102, 103, 104, 105, 106, 108,~~  
6 ~~110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110–245, and P.L.  
7 110–458, and as indirectly affected in the provisions applicable to this subchapter by  
8 P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,  
9 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.  
10 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150  
11 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.  
12 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
13 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.  
14 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.  
15 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,  
16 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.  
17 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.  
18 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections  
19 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201  
20 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,  
21 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,  
22 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.  
23 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,  
24 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding  
25 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.

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1 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
 2 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
 3 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
 4 excluding sections 811 and 844 of P.L. 109-280, ~~P.L. 110-245, excluding sections 101,~~  
 5 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
 6 ~~401~~ of P.L. 110-245, and P.L. 110-458, except that property that, under s. 71.02 (1)  
 7 (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986  
 8 under the Internal Revenue Code as amended to December 31, 1980, shall continue  
 9 to be depreciated under the Internal Revenue Code as amended to  
 10 December 31, 1980, and except that the appropriate amount shall be added or  
 11 subtracted to reflect differences between the depreciation or adjusted basis for  
 12 federal income tax purposes and the depreciation or adjusted basis under this  
 13 chapter of any property disposed of during the taxable year. The Internal Revenue  
 14 Code as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.  
 15 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
 16 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
 17 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
 18 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
 19 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
 20 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
 21 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
 22 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
 23 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
 24 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
 25 P.L. 109-222, sections 811 and 844 of P.L. 109-280, and P.L. 109-432, and as

4

~~P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~

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SENATE BILL 439

SECTION 10

1 amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110,~~  
2 ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.  
3 110-458, and as indirectly affected in the provisions applicable to this subchapter by  
4 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
5 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
6 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
7 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
8 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
9 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
10 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
11 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
12 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
13 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
14 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
15 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
16 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
17 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
18 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
19 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
20 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
21 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.  
22 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
23 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
24 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, 109-227, P.L. 109-280,  
25 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,

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35

25

101

SENATE BILL 439

1 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~

2 ~~401~~ of P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same

3 time as for federal purposes. Amendments to the Internal Revenue Code enacted

4 after December 31, 2006, do not apply to this subdivision with respect to taxable

5 years that begin after December 31, 2006, and before January 1, 2008, except that

6 changes to the Internal Revenue Code made by P.L. 110-245, excluding sections ~~101,~~

7 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~

8 ~~401~~ of P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the

9 provisions applicable to this subchapter made by P.L. 110-245, excluding sections

10 ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303,~~

11 ~~and 401~~ of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same

12 time as for federal purposes.

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SA-2 ✓

SA-2 ✓

13 SECTION 11. 71.26 (2) (b) 21. of the statutes, as created by 2009 Wisconsin Act  
14 28, is amended to read:

15 71.26 (2) (b) 21. For taxable years that begin after December 31, 2007, and  
16 before January 1, 2009, for a corporation, conduit, or common law trust which  
17 qualifies as a regulated investment company, real estate mortgage investment  
18 conduit, real estate investment trust, or financial asset securitization investment  
19 trust under the Internal Revenue Code as amended to December 31, 2007, excluding  
20 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),  
21 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,

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SECTION 11

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, P.L. 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L.  
7 110-166, and P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections ~~101,~~  
8 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
9 ~~401~~ 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, P.L.  
11 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
12 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
13 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
14 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
16 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
17 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
18 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
19 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections  
20 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.  
21 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
22 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
23 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
24 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
25 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,

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## SENATE BILL 439

1 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
2 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.  
3 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,  
4 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
5 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,  
6 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844  
7 of P.L. 109–280, ~~P.L. 110–245, excluding sections 101, 102, 103, 104, 105, 106, 108,~~  
8 ~~110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110–245, and P.L.  
9 110–458, “net income” means the federal regulated investment company taxable  
10 income, federal real estate mortgage investment conduit taxable income, federal real  
11 estate investment trust or financial asset securitization investment trust taxable  
12 income of the corporation, conduit, or trust as determined under the Internal  
13 Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and  
14 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
15 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,  
16 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.  
17 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections  
18 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,  
19 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
20 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,  
21 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,  
22 section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a),  
23 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512,  
24 and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L.  
25 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and P.L. 110–172,

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SENATE BILL 439

SECTION 11

1

and as amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108,~~

2

~~110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.

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3

110-458, and as indirectly affected in the provisions applicable to this subchapter by

4

P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,

5

P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.

6

102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150

7

(d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.

8

103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),

9

1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.

10

105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.

11

106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,

12

P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.

13

107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.

14

107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections

15

106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201

16

of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,

17

308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,

18

211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.

19

108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,

20

1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding

21

section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.

22

109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402

23

(e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding

24

sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,

25

excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,

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SENATE BILL 439

1 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
2 ~~401~~ of P.L. 110-245, and P.L. 110-458, except that property that, under s. 71.02 (1)  
3 (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986  
4 under the Internal Revenue Code as amended to December 31, 1980, shall continue  
5 to be depreciated under the Internal Revenue Code as amended to  
6 December 31, 1980, and except that the appropriate amount shall be added or  
7 subtracted to reflect differences between the depreciation or adjusted basis for  
8 federal income tax purposes and the depreciation or adjusted basis under this  
9 chapter of any property disposed of during the taxable year. The Internal Revenue  
10 Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.  
11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
13 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
14 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
15 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
16 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
17 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
18 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
19 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
20 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
21 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
22 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as  
23 amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110,~~  
24 ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.  
25 110-458, and as indirectly affected in the provisions applicable to this subchapter by

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SENATE BILL 439

SECTION 11

1 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
2 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
3 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
4 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
5 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
6 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
7 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
8 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
9 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
10 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
11 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
12 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
13 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
14 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
15 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
16 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
17 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
18 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.  
19 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
20 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
21 sections 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 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
23 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
24 ~~401~~ of P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same  
25 time as for federal purposes. Amendments to the Internal Revenue Code enacted

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SA-2

SENATE BILL 439

1 after December 31, 2007, do not apply to this subdivision with respect to taxable  
 2 years that begin after December 31, 2007, and before January 1, 2009, except that  
 3 changes to the Internal Revenue Code made by P.L. 110-245, excluding sections ~~101,~~  
 4 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~  
 5 ~~40~~ of P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the  
 6 provisions applicable to this subchapter made by P.L. 110-245, excluding sections  
 7 ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303,~~  
 8 ~~and 401~~ of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same  
 9 time as for federal purposes.

SA-2 ✓

SA-2 ✓

10 SECTION 12. 71.26 (2) (b) 22. of the statutes, as created by 2009 Wisconsin Act  
11 28, is amended to read:

12 71.26 (2) (b) 22. For taxable years that begin after December 31, 2008, for a  
 13 corporation, conduit, or common law trust which qualifies as a regulated investment  
 14 company, real estate mortgage investment conduit, real estate investment trust, or  
 15 financial asset securitization investment trust under the Internal Revenue Code as  
 16 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,  
 17 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections  
 18 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and  
 19 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of  
 20 P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of  
 21 P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of  
 22 P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
 23 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
 24 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
 25 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403

## SENATE BILL 439

## SECTION 12

1 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 542, and 513 of  
2 P.L. 109-222, ~~sections 811 and 844~~ <sup>SA-1</sup> of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L. ✓  
3 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.  
4 110-234, ~~sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,~~ ✓  
5 ~~204, 301, 302, 303, and 401~~ of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343, <sup>SA-2</sup>  
6 and P.L. 110-351, and as indirectly affected in the provisions applicable to this  
7 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140,  
8 P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104,  
9 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections  
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.  
11 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202  
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
13 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
14 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
15 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
16 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
17 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
18 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
19 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
20 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
21 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
22 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
23 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
24 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
25 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it

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1 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
 2 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
 3 109-222, P.L. 109-227, P.L. 109-280, excluding ~~sections 811 and 844~~ of P.L. 109-280,  
 4 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~  
 5 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, "net  
 6 income" means the federal regulated investment company taxable income, federal  
 7 real estate mortgage investment conduit taxable income, federal real estate  
 8 investment trust or financial asset securitization investment trust taxable income  
 9 of the corporation, conduit, or trust as determined under the Internal Revenue Code  
 10 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.  
 11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
 12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
 13 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
 14 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
 15 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
 16 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
 17 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
 18 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section  
 19 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
 20 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and  
 21 513 of P.L. 109-222, ~~sections 811 and 844~~ of P.L. 109-280, P.L. 109-432, P.L. 110-28,  
 22 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,  
 23 P.L. 110-234, sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202,~~  
 24 ~~203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.  
 25 110-343, and P.L. 110-351, and as indirectly affected in the provisions applicable to

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SECTION 12

1 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
 2 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
 3 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
 4 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
 5 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
 6 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
 7 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
 8 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
 9 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
 10 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
 11 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,  
 12 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
 13 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
 14 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
 15 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
 16 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
 17 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
 18 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
 19 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
 20 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
 21 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
 22 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
 23 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 112, 115,  
 24 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, except  
 25 that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be

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1 depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as  
 2 amended to December 31, 1980, shall continue to be depreciated under the Internal  
 3 Revenue Code as amended to December 31, 1980, and except that the appropriate  
 4 amount shall be added or subtracted to reflect differences between the depreciation  
 5 or adjusted basis for federal income tax purposes and the depreciation or adjusted  
 6 basis under this chapter of any property disposed of during the taxable year. The  
 7 Internal Revenue Code as amended to December 31, 2008, excluding sections 103,  
 8 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
 9 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
 10 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
 11 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
 12 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
 13 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336,  
 14 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309,  
 15 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section  
 16 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates  
 17 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
 18 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. ✓  
 19 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L.  
 20 110-172, P.L. 110-185, P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, ✓  
 21 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, SA 2  
 22 P.L. 110-317, P.L. 110-343, and P.L. 110-351, 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.



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SECTION 12

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, 102, 201, 211, 242, 244, 336, 337, 422,  
 13 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
 14 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
 15 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
 16 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
 17 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
 18 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
 19 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
 20 ~~sections 81 and 844~~ of P.L. 109-280, P.L. 110-245, excluding sections ~~101, 102, 103,~~  
 21 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of  
 22 P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same time as  
 23 for federal purposes. Amendments to the Internal Revenue Code enacted after  
 24 December 31, 2008, do not apply to this subdivision with respect to taxable years that  
 25 begin after December 31, 2008.

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## SENATE BILL 439

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

3 71.34 (1g) (t) "Internal Revenue Code" for tax-option corporations, for taxable  
4 years that begin after December 31, 2006, and before January 1, 2008, means the  
5 federal Internal Revenue Code as amended to December 31, 2006, excluding sections  
6 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and  
7 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
8 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
9 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
10 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
11 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
12 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
13 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
14 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
15 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
16 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and  
17 P.L. 109-432, and as amendeded by P.L. 110-245, excluding sections ~~101, 102, 103, 104,~~  
18 ~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L.  
19 ~~110-245,~~ and P.L. 110-458, and as indirectly affected in the provisions applicable to  
20 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803  
21 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section  
22 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,  
23 P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.  
24 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),  
25 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

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**SECTION 13**

1 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605  
2 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.  
3 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.  
4 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,  
5 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.  
6 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.  
7 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and  
8 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.  
9 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,  
10 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,  
11 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.  
12 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
13 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146  
14 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,  
15 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
16 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections  
17 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
18 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
19 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 207, 301, 302, 303, and~~  
20 ~~401~~ of P.L. 110-245, and P.L. 110-458, except that section 1366 (f) (relating to  
21 pass-through of items to shareholders) is modified by substituting the tax under s.  
22 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies  
23 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
24 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this  
25 paragraph with respect to taxable years beginning after December 31, 2006, and

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1 before January 1, 2008, except that changes to the Internal Revenue Code made by  
 2 ~~P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~  
 3 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, and  
 4 changes that indirectly affect the provisions applicable to this subchapter made by  
 5 ~~P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~  
 6 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, apply  
 7 for Wisconsin purposes at the same time as for federal purposes.

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

10 71.34 (1g) (u) "Internal Revenue Code" for tax-option corporations, for taxable  
 11 years that begin after December 31, 2007, and before January 1, 2009, means the  
 12 federal Internal Revenue Code as amended to December 31, 2007, excluding sections  
 13 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and  
 14 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
 15 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
 16 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
 17 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
 18 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
 19 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
 20 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
 21 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
 22 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
 23 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
 24 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
 25 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections 101, 102, 103, 104,

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SECTION 14

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~~105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L.

2 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to

3 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803

4 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section

5 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,

6 P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.

7 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),

8 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

9 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605

10 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.

11 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.

12 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,

13 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.

14 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.

15 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and

16 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.

17 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,

18 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,

19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.

20 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,

21 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146

22 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,

23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),

24 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections

25 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,

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1 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections ~~101,~~  
2 ~~102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and~~ ✓  
3 ~~40~~ of P.L. 110-245, and P.L. 110-458, except that section 1366 (f) (relating to SA-2  
4 pass-through of items to shareholders) is modified by substituting the tax under s.  
5 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies  
6 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
7 federal Internal Revenue Code enacted after December 31, 2007, do not apply to this  
8 paragraph with respect to taxable years beginning after December 31, 2007, and  
9 before January 1, 2009, except that changes to the Internal Revenue Code made by  
10 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~ ✓  
11 ~~201, 202, 203, 204, 301, 302, 303, and 40~~ of P.L. 110-245, and P.L. 110-458, and SA-2  
12 changes that indirectly affect the provisions applicable to this subchapter made by  
13 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~ ✓  
14 ~~201, 202, 203, 204, 301, 302, 303, and 40~~ of P.L. 110-245, and P.L. 110-458, apply SA-2  
15 for Wisconsin purposes at the same time as for federal purposes.

16 SECTION 15. 71.34 (1g) (um) of the statutes, as created by 2009 Wisconsin Act  
17 28, is amended to read:

18 71.34 (1g) (um) "Internal Revenue Code" for tax-option corporations, for  
19 taxable years that begin after December 31, 2008, means the federal Internal  
20 Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and  
21 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
22 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,  
23 sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.  
24 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections  
25 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316,

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SECTION 15

1 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
 2 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323,  
 3 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L.  
 4 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section  
 5 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209,  
 6 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, ✓  
 7 P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172,  
 8 P.L. 110-185, P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, ✓  
 9 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. SA-2  
 10 110-317, P.L. 110-343, and P.L. 110-351, and as indirectly affected in the provisions  
 11 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding  
 12 sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514  
 13 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.  
 14 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
 15 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
 16 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
 17 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
 18 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
 19 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
 20 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
 21 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
 22 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
 23 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
 24 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
 25 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,

6

SA-1

8

SA-2

## SENATE BILL 439

1 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,  
 2 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,  
 3 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,  
 4 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,  
 5 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.  
 6 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section  
 7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.  
 8 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.  
 9 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–245,  
 10 excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
 11 204, 301, 302, 303, and 401 of P.L. 110–245, and P.L. 110–458 except that section 1366  
 12 (f) (relating to pass-through of items to shareholders) is modified by substituting the  
 13 tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue  
 14 Code applies for Wisconsin purposes at the same time as for federal purposes.  
 15 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,  
 16 do not apply to this paragraph with respect to taxable years beginning after  
 17 December 31, 2008.

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

20 71.42 (2) (s) For taxable years that begin after December 31, 2006, and before  
 21 January 1, 2008, “Internal Revenue Code” means the federal Internal Revenue Code  
 22 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.  
 23 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,  
 24 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,  
 25 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section



**SENATE BILL 439****SECTION 16**

1 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
2 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
3 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
4 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
5 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
6 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
7 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
8 P.L. 109-222, sections 811 and 844 of P.L. 109-280, and P.L. 109-432, and as  
9 amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110,~~  
10 ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.  
11 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.  
12 101-73, 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,

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**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 ~~101, 102, 103, 104, 105, 106, 108,~~  
 9 ~~110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.

✓  
SA-2

10 110-458, except that "Internal Revenue Code" does not include section 847 of the  
 11 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin  
 12 purposes at the same time as for federal purposes. Amendments to the federal  
 13 Internal Revenue Code enacted after December 31, 2006, do not apply to this  
 14 paragraph with respect to taxable years beginning after December 31, 2006, and  
 15 before January 1, 2008, except that changes to the Internal Revenue Code made by

16 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~  
 17 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, and

✓  
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18 changes that indirectly affect the provisions applicable to this subchapter made by  
 19 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~

20 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, apply  
 21 for Wisconsin purposes at the same time as for federal purposes.

✓  
SA-2

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

24 71.42 (2) (t) For taxable years that begin after December 31, 2007, and before  
 25 January 1, 2009, "Internal Revenue Code" means the federal Internal Revenue Code

**SENATE BILL 439****SECTION 17**

1 as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.  
2 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
3 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
4 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
5 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
6 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
7 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
8 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
9 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
10 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
11 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
12 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
13 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as  
14 amended by P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110,~~  
15 ~~111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.  
16 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.  
17 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
18 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
19 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
20 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
21 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
22 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
23 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
24 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
25 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections

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1 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.  
 2 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
 3 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
 4 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
 5 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
 6 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,  
 7 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
 8 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.  
 9 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,  
 10 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
 11 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,  
 12 and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844

13 of P.L. 109-280, P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108,~~

14 ~~110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L.

15 110-458, except that "Internal Revenue Code" does not include section 847 of the  
 16 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin  
 17 purposes at the same time as for federal purposes. Amendments to the federal  
 18 Internal Revenue Code enacted after December 31, 2007, do not apply to this  
 19 paragraph with respect to taxable years beginning after December 31, 2007, and  
 20 before January 1, 2009, except that changes to the Internal Revenue Code made by

21 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,~~

22 ~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, and

23 changes that indirectly affect the provisions applicable to this subchapter made by

24 P.L. 110-245, excluding sections ~~101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115.~~

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SECTION 17

SA-2



~~201, 202, 203, 204, 301, 302, 303, and 401~~ of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

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

71.42 (2) (tm) For taxable years that begin after December 31, 2008, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of P.L.

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~~109-222, sections 811 and 844~~ of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.

~~110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,~~

~~204, 301, 302, 303, and 401~~ of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343, and P.L. 110-351, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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SENATE BILL 439

1 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.  
 2 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
 3 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
 4 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
 5 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
 6 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
 7 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
 8 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
 9 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
 10 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
 11 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336,  
 12 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7,  
 13 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
 14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
 15 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
 16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
 17 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
 18 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding

19 ~~sections 811 and 844~~ <sup>SA-1</sup> of P.L. 109-280, P.L. 110-245, excluding sections ~~101, 102, 103,~~

20 ~~104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401~~ <sup>SA-2</sup> of

21 P.L. 110-245, and P.L. 110-458, except that "Internal Revenue Code" does not  
 22 include section 847 of the federal Internal Revenue Code. The Internal Revenue  
 23 Code applies for Wisconsin purposes at the same time as for federal purposes.  
 24 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,

**SENATE BILL 439**

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

INSERT SA3-1

3

(END)





SENATE AMENDMENT 1,  
TO 2009 SENATE BILL 439

February 2, 2010 – Offered by Senator SULLIVAN.

SA1 x16

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 7, line 15: delete “sections 811 and” and substitute “sections 811 and  
3 section”.

4 ✓✓2. Page 8, line 16: delete “sections 811 and” and substitute “sections 811 and  
5 section”.

6 ✓✓3. Page 14, line 1: delete “sections 811 and” and substitute “sections 811 and  
7 section”.

8 ✓✓4. Page 15, line 4: delete “sections 811 and” and substitute “sections 811 and  
9 section”.

10 ✓✓5. Page 20, line 11: delete “sections 811 and” and substitute “sections 811 and  
11 section”.



1     ✓✓**6.** Page 21, line 12: delete “sections 811 and” and substitute “sections 811 and  
2     section”.

3     ✓✓**7.** Page 34, line 2: delete “sections 811 and” and substitute “sections 811 and  
4     section”.

5     ✓✓**8.** Page 35, line 3: delete “sections 811 and” and substitute “sections 811 and  
6     section”.

7     ✓✓**9.** Page 35, line 21: delete “sections 811 and” and substitute “sections 811 and  
8     section”.

9     ✓**10.** Page 36, line 22: delete “sections 811 and” and substitute “sections 811 and  
10    section”.

11    ✓✓**11.** Page 37, line 18: delete “sections 811 and” and substitute “sections 811 and  
12    section”.

13    ✓✓**12.** Page 38, line 20: delete “sections 811 and” and substitute “sections 811 and  
14    section”.

15    ✓✓**13.** Page 44, line 6: delete “sections 811 and” and substitute “sections 811 and  
16    section”.

17    ✓✓**14.** Page 45, line 9: delete “sections 811 and” and substitute “sections 811 and  
18    section”.

19    ✓✓**15.** Page 50, line 18: delete “sections 811 and” and substitute “sections 811 and  
20    section”.

21    ✓✓**16.** Page 51, line 19: delete “sections 811 and” and substitute “sections 811 and  
22    section”.

23

(END)



**SENATE AMENDMENT 2,  
TO 2009 SENATE BILL 439**

February 2, 2010 – Offered by Senator SULLIVAN.

SA-2 X 71

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 3, line 4: delete the material beginning with "101" and ending with  
3 "401" on line 5 and substitute "110, 113, and 301".

4 ✓ **2.** Page 4, line 4: delete the material beginning with "101" and ending with  
5 "401" on line 5 and substitute "110, 113, and 301".

6 ✓ **3.** Page 4, line 10: delete the material beginning with "101" and ending with  
7 "401" on line 11 and substitute "110, 113, and 301".

8 ✓ **4.** Page 4, line 13: delete the material beginning with "101" and ending with  
9 "401" on line 14 and substitute "110, 113, and 301".

10 ✓ **5.** Page 5, line 10: delete the material beginning with "101" and ending with  
11 "401" on line 11 and substitute "110, 113, and 301".

- 1 ✓✓ **6.** Page 6, line 10: delete the material beginning with “101” and ending with  
2 “401” on line 11 and substitute “110, 113, and 301”.
- 3 ✓✓ **7.** Page 6, line 16: delete the material beginning with “101” and ending with  
4 “401” on line 17 and substitute “110, 113, and 301”.
- 5 ✓✓ **8.** Page 6, line 19: delete the material beginning with “101” and ending with  
6 “401” on line 20 and substitute “110, 113, and 301”.
- 7 ✓✓ **9.** Page 7, line 17: delete the material beginning with “101” and ending with  
8 “401” on line 18 and substitute “110, 113, and 301”.
- 9 ✓✓ **10.** Page 8, line 17: delete the material beginning with “101” and ending with  
10 “401” on line 18 and substitute “110, 113, and 301”.
- 11 ✓✓ **11.** Page 9, line 16: delete the material beginning with “101” and ending with  
12 “401” on line 17 and substitute “110, 113, and 301”.
- 13 ✓✓ **12.** Page 10, line 17: delete the material beginning with “101” and ending with  
14 “401” on line 18 and substitute “110, 113, and 301”.
- 15 ✓✓ **13.** Page 10, line 24: delete the material beginning with “101” and ending with  
16 “401” on line 25 and substitute “110, 113, and 301”.
- 17 ✓✓ **14.** Page 11, line 2: delete the material beginning with “101” and ending with  
18 “401” on line 3 and substitute “110, 113, and 301”.
- 19 ✓✓ **15.** Page 11, line 23: delete the material beginning with “101” and ending with  
20 “401” on line 24 and substitute “110, 113, and 301”.
- 21 ✓✓ **16.** Page 12, line 24: delete the material beginning with “101” and ending with  
22 “401” on line 25 and substitute “110, 113, and 301”.

- 1 ✓ **17.** Page 13, line 6: delete the material beginning with “101” and ending with  
2 “401” on line 7 and substitute “110, 113, and 301”.
- 3 ✓✓ **18.** Page 14, line 3: delete the material beginning with “101” and ending with  
4 “401” on line 4 and substitute “110, 113, and 301”.
- 5 ✓ **19.** Page 15, line 4: delete the material beginning with “101” and ending with  
6 “401” on line 6 and substitute “110, 113, and 301”.
- 7 ✓ ✓ **20.** Page 16, line 2: delete the material beginning with “101” and ending with  
8 “401” on line 3 and substitute “110, 113, and 301”.
- 9 ✓ **21.** Page 17, line 2: delete the material beginning with “101” and ending with  
10 “401” on line 3 and substitute “110, 113, and 301”.
- 11 ✓ ✓ **22.** Page 17, line 8: delete the material beginning with “101” and ending with  
12 “401” on line 9 and substitute “110, 113, and 301”.
- 13 ✓✓ **23.** Page 17, line 11: delete the material beginning with “101” and ending with  
14 “401” on line 12 and substitute “110, 113, and 301”.
- 15 ✓ **24.** Page 18, line 7: delete the material beginning with “101” and ending with  
16 “401” on line 8 and substitute “110, 113, and 301”.
- 17 ✓✓ **25.** Page 19, line 7: delete the material beginning with “101” and ending with  
18 “401” on line 8 and substitute “110, 113, and 301”.
- 19 ✓ **26.** Page 19, line 13: delete the material beginning with “101” and ending with  
20 “401” on line 14 and substitute “110, 113, and 301”.
- 21 ✓ **27.** Page 19, line 16: delete the material beginning with “101” and ending with  
22 “401” on line 17 and substitute “110, 113, and 301”.

- 1 ✓✓ **28.** Page 20, line 13: delete the material beginning with “101” and ending with  
2 “401” on line 14 and substitute “110, 113, and 301”.
- 3 ✓✓ **29.** Page 21, line 13: delete the material beginning with “101” and ending with  
4 “401” on line 14 and substitute “110, 113, and 301”.
- 5 ✓✓ **30.** Page 22, line 12: delete the material beginning with “101” and ending with  
6 “401” on line 14 and substitute “110, 113, and 301”.
- 7 ✓✓ **31.** Page 23, line 12: delete the material beginning with “101” and ending with  
8 “401” on line 13 and substitute “110, 113, and 301”.
- 9 ✓✓ **32.** Page 24, line 5: delete the material beginning with “101” and ending with  
10 “401” on line 6 and substitute “110, 113, and 301”.
- 11 ✓✓ **33.** Page 25, line 4: delete the material beginning with “101” and ending with  
12 “401” on line 6 and substitute “110, 113, and 301”.
- 13 ✓✓ **34.** Page 26, line 1: delete the material beginning with “101” and ending with  
14 “401” on line 2 and substitute “110, 113, and 301”.
- 15 ✓✓ **35.** Page 26, line 25: delete the material beginning with “101” and ending with  
16 “401” on page 27, line 2, and substitute “110, 113, and 301”.
- 17 ✓✓ **36.** Page 27, line 6: delete the material beginning with “101” and ending with  
18 “401” on line 8 and substitute “110, 113, and 301”.
- 19 ✓✓ **37.** Page 27, line 10: delete the material beginning with “101” and ending with  
20 “401” on line 11 and substitute “110, 113, and 301”.
- 21 ✓✓ **38.** Page 28, line 7: delete the material beginning with “101” and ending with  
22 “401” on line 9 and substitute “110, 113, and 301”.

- 1 ✓✓ **39.** Page 29, line 7: delete the material beginning with “101” and ending with  
2 “401” on line 8 and substitute “110, 113, and 301”.
- 3 ✓✓ **40.** Page 30, line 1: delete the material beginning with “101” and ending with  
4 “401” on line 2 and substitute “110, 113, and 301”.
- 5 ✓✓ **41.** Page 30, line 25: delete the material beginning with “101” and ending with  
6 “401” on page 31, line 2, and substitute “110, 113, and 301”.
- 7 ✓✓ **42.** Page 31, line 23: delete the material beginning with “101” and ending with  
8 “401” on line 24 and substitute “110, 113, and 301”.
- 9 ✓✓ **43.** Page 32, line 22: delete the material beginning with “101” and ending with  
10 “401” on line 24 and substitute “110, 113, and 301”.
- 11 ✓✓ **44.** Page 33, line 3: delete the material beginning with “101” and ending with  
12 “401” on line 5 and substitute “110, 113, and 301”.
- 13 ✓✓ **45.** Page 33, line 7: delete the material beginning with “101” and ending with  
14 “401” on line 8 and substitute “110, 113, and 301”.
- 15 ✓✓ **46.** Page 34, line 4: delete the material beginning with “101” and ending with  
16 “401” on line 5 and substitute “110, 113, and 301”.
- 17 ✓✓ **47.** Page 35, line 4: delete the material beginning with “101” and ending with  
18 “401” on line 5 and substitute “110, 113, and 301”.
- 19 ✓✓ **48.** Page 35, line 23: delete the material beginning with “101” and ending with  
20 “401” on line 24 and substitute “110, 113, and 301”.
- 21 ✓✓ **49.** Page 36, line 23: delete the material beginning with “101” and ending with  
22 “401” on line 24 and substitute “110, 113, and 301”.

- 1 ✓✓ **50.** Page 37, line 20: delete the material beginning with “101” and ending with  
2 “401” on line 21 and substitute “110, 113, and 301”.
- 3 ✓✓ **51.** Page 38, line 20: delete the material beginning with “101” and ending with  
4 “401” on line 21 and substitute “110, 113, and 301”.
- 5 ✓✓ **52.** Page 39, line 17: delete the material beginning with “101” and ending with  
6 “401” on line 18 and substitute “110, 113, and 301”.
- 7 ✓ ✓ **53.** Page 40, line 18: delete the material beginning with “101” and ending with  
8 “401” on line 20 and substitute “110, 113, and 301”.
- 9 ✓ ✓ **54.** Page 41, line 2: delete the material beginning with “101” and ending with  
10 “401” on line 3 and substitute “110, 113, and 301”.
- 11 ✓ ✓ **55.** Page 41, line 5: delete the material beginning with “101” and ending with  
12 “401” on line 6 and substitute “110, 113, and 301”.
- 13 ✓ ✓ **56.** Page 41, line 25: delete the material beginning with “101” and ending with  
14 “401” on page 42, line 1, and substitute “110, 113, and 301”.
- 15 ✓ ✓ **57.** Page 43, line 1: delete the material beginning with “101” and ending with  
16 “401” on line 3 and substitute “110, 113, and 301”.
- 17 ✓ ✓ **58.** Page 43, line 10: delete the material beginning with “101” and ending with  
18 “401” on line 11 and substitute “110, 113, and 301”.
- 19 ✓ ✓ **59.** Page 43, line 13: delete the material beginning with “101” and ending with  
20 “401” on line 14 and substitute “110, 113, and 301”.
- 21 ✓ ✓ **60.** Page 44, line 8: delete the material beginning with “101” and ending with  
22 “401” on line 9 and substitute “110, 113, and 301”.

- 1     ✓✓ **61.** Page 45, line 10: delete the material beginning with “101” and ending with  
2     “401” on line 11 and substitute “110, 113, and 301”.
- 3     ✓✓ **62.** Page 46, line 9: delete the material beginning with “101” and ending with  
4     “401” on line 10 and substitute “110, 113, and 301”.
- 5     ✓✓ **63.** Page 47, line 8: delete the material beginning with “101” and ending with  
6     “401” on line 9 and substitute “110, 113, and 301”.
- 7     ✓ ✓ **64.** Page 47, line 16: delete the material beginning with “101” and ending with  
8     “401” on line 17 and substitute “110, 113, and 301”.
- 9     ✓✓ **65.** Page 47, line 19: delete the material beginning with “101” and ending with  
10    “401” on line 20 and substitute “110, 113, and 301”.
- 11    ✓✓ **66.** Page 48, line 14: delete the material beginning with “101” and ending with  
12    “401” on line 15 and substitute “110, 113, and 301”.
- 13    ✓ ✓ **67.** Page 49, line 13: delete the material beginning with “101” and ending with  
14    “401” on line 14 and substitute “110, 113, and 301”.
- 15    ✓ ✓ **68.** Page 49, line 21: delete the material beginning with “101” and ending with  
16    “401” on line 22 and substitute “110, 113, and 301”.
- 17    ✓ ✓ **69.** Page 49, line 24: delete the material beginning with “101” and ending with  
18    “401” on page 50, line 1, and substitute “110, 113, and 301”.
- 19    ✓ ✓ **70.** Page 50, line 20: delete the material beginning with “101” and ending with  
20    “401” on line 21 and substitute “110, 113, and 301”.
- 21    ✓ **71.** Page 51, line 19: delete the material beginning with “101” and ending with  
22    “401” on line 20 and substitute “110, 113, and 301”.





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1499/1  
JK:kjf:rs

SENATE AMENDMENT 3,  
TO 2009 SENATE BILL 439

February 16, 2010 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 52, line 2: after that line insert:

3 "SECTION 18m. Nonstatutory provisions.

4 (1) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes does not  
5 apply to the action of the legislature in enacting this act."

6 (END)

SA3-1