



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.

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.

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

SENATE BILL 439**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,
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,
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,
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,

SENATE BILL 439**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.

23 **SECTION 3.** 71.01 (6) (um) of the statutes, as created by 2009 Wisconsin Act 28,
24 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, ~~512~~, and
15 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28,
16 P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185,
17 P.L. 110–234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202,
18 203, 204, 301, 302, 303, and 401 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:

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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.

SENATE BILL 439**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

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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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, 105, 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.

SENATE BILL 439**SECTION 6**

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,
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
6 401 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.

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,

SENATE BILL 439**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 401 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.
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
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
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,

SENATE BILL 439**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,
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

SENATE BILL 439**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,

SENATE BILL 439**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

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,

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.

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,

SENATE BILL 439**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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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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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.
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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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

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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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
5 401 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.

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

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1 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and 513 of
2 P.L. 109–222, sections 811 and 844 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,
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

SENATE BILL 439**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, 113, 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,
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.

SENATE BILL 439**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 811 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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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.

SENATE BILL 439**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, 204, 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.

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,

SENATE BILL 439**SECTION 14**

1 105, 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
3 401 of P.L. 110–245, and P.L. 110–458, except that section 1366 (f) (relating to
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 401 of P.L. 110–245, and P.L. 110–458, and
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 401 of P.L. 110–245, and P.L. 110–458, apply
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,

SENATE BILL 439**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.
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,

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1 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,
2 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
3 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
4 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,
5 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.
6 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
8 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L.
9 109–227, 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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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.
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
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.

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

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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,

SENATE BILL 439**SECTION 17**

1 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply
2 for Wisconsin purposes at the same time as for federal purposes.

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

5 71.42 **(2)** (tm) For taxable years that begin after December 31, 2008, “Internal
6 Revenue Code” means the federal Internal Revenue Code as amended to
7 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections
8 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
9 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.
10 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.
11 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.
12 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.
13 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
14 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
15 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.
16 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
17 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
18 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.
19 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.
20 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,
21 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343,
22 and P.L. 110-351, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L.
23 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.
24 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
25 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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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 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 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,

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SECTION 18

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

3 (END)