



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 264-6948

STEPHEN R. MILLER
CHIEF

February 25, 2010

MEMORANDUM

To: Representative Clark

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

Subject: Technical Memorandum to **2009 AB 749** (LRB-4125/1) by **DOR**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

MEMORANDUM

February 22, 2010

TO: Joseph Kreye
Legislative Reference Bureau

FROM: Rebecca Boldt
Department of Revenue

SUBJECT: Technical Memorandum on AB 749 (LRB 4125/1) – Credit for Woody Biomass Equipment

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

If this bill and 2009 AB 754 both are enacted, there would be duplicates of secs. 71.07(3rm), 71.28(3rm), 71.47(3rm), and 560.209, one for woody biomass harvesting and processing and another for lumber manufacturing investment.

The bill language provides that the credit is available for taxable years beginning after December 31, 2008, and before January 1, 2015. The 2009 tax forms are already printed and in use by taxpayers. There would be no way to claim the credit on 2009 tax forms. At the very earliest, the credit should first be available for taxable years beginning after December 31, 2009. Because tax forms are finalized and printed before the end of the tax years they apply to, it would be preferable to have the bill provide that if enacted after July 1, 2010, the credit would first be available for taxable years beginning on January 1 after the date of enactment.

If you have any questions regarding this technical memorandum, please contact Michael Oakleaf at 261-5173, or via email at Michael.oakleaf@revenue.wi.gov.

cc: Rep. Clark