

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB40)**

Received: **06/15/2011**

Received By: **jkreye**

Wanted: **As time permits**

Companion to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Chris McKinny**

May Contact:

Drafter: **jkreye**

Subject: **Tax, Individual - income credit  
Tax, Business - crp inc, fran**

Addl. Drafters: **mshovers  
rchampag**

Extra Copies: **Chris McKinny**

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to: **chris.mckinny@legis.wisconsin.gov  
george.gillis@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Tax fairness package

---

**Instructions:**

See attached. b1130, b1144, b1163, b1168, b1105

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 06/15/2011	nmatzke 06/15/2011		_____			
/1			phenry 06/15/2011	_____	ggodwin 06/15/2011	ggodwin 06/15/2011	

FE Sent For:

**<END>**

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB40)**

Received: 06/15/2011

Received By: jkreye

Wanted: As time permits

Companion to LRB:

For: Peter Barca (608) 266-5504

By/Representing: Chris McKinny

May Contact:

Drafter: jkreye

Subject: Tax, Individual - income credit  
Tax, Business - crp inc, fran

Addl. Drafters: mshovers  
rchampag

Extra Copies: Chris McKinny

Submit via email: YES

Requester's email: Rep.Barca@legis.wisconsin.gov

Carbon copy (CC:) to: chris.mckinny@legis.wisconsin.gov  
george.gillis@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Tax fairness package

---

**Instructions:**

See attached. b1130, b1144, b1163, b1168, b1105

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye	/1 nwn 6/15		_____	_____		

FE Sent For:

<END>

## Kreye, Joseph

---

**From:** Champagne, Rick  
**Sent:** Wednesday, June 15, 2011 7:24 PM  
**To:** Kreye, Joseph  
**Subject:** FW: Tax Fairness Omnibus- Another go around

FYI.

-----Original Message-----

From: Gillis, George  
Sent: Wednesday, June 15, 2011 7:23 PM  
To: Gillis, George; Champagne, Rick; Hanaman, Cathlene  
Subject: Tax Fairness Omnibus- Another go around

Cathlene, Rick,

It turns out in the drafting of our tax fairness omnibus we mistakenly included a draft.

So for AA7 which is LRB 1309

We accidently repealed combined reporting not returned combined reporting to current law.

So in this package

We would like to include

LRB 1130- EITC Changes

LRB 1144- Homestead Credit Changes

Return Combined Reporting to current law LRB 1168- Manufacturer Tax Credit LRB 1105- DOR  
Certification of Tax increases

Does this make sense?

-George



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBb1309/1  
MES/JK/RAC:all:md

1391/1

ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 40

NOW

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 15, line 7: after that line insert:

3 “SECTION 18m. 13.086 of the statutes is created to read:

4 **13.086 Bills affecting individual taxes.** No house of the legislature may  
5 pass a bill that affects the taxes paid by any individual unless the bill is referred to  
6 the department of revenue and the department of revenue certifies that the bill will  
7 not increase the amount of taxes that would be paid by any individual over the  
8 amount that the individual would be required to pay under current law.”.

9 **2.** Page 683, line 9: after that line insert:

10 “SECTION 1748f. 71.01 (1b) of the statutes is amended to read:

11 71.01 (1b) For purposes of s. 71.04 (7) (df), and (dh), ~~(dj)~~, and ~~(dk)~~, “commercial  
12 domicile” means the location from which a trade or business is principally managed

1 and directed, based on any factors the department determines are appropriate,  
2 including the location where the greatest number of employees of the trade or  
3 business work, have their office or base of operations, or from which the employees  
4 are directed or controlled.

5 **SECTION 1748g.** 71.01 (1n) of the statutes is amended to read:

6 71.01 (1n) For purposes of s. 71.04 (7) (df), and (dh), ~~(dj), and (dk)~~, “domicile”  
7 means an individual’s true, fixed, and permanent home where the individual intends  
8 to remain permanently and indefinitely and to which, whenever absent, the  
9 individual intends to return, except that no individual may have more than one  
10 domicile at any time.

11 **SECTION 1748h.** 71.01 (5n) of the statutes is repealed.

12 **SECTION 1748j.** 71.01 (5p) of the statutes is repealed.”.

13 **3.** Page 691, line 12: after that line insert:

14 “**SECTION 1753e.** 71.01 (7v) of the statutes is repealed.

15 **SECTION 1753f.** 71.01 (10g) of the statutes is amended to read:

16 71.01 (10g) For purposes of s. 71.04 (7) (df), and (dh), ~~(dj), and (dk)~~, “state”  
17 means a state of the United States, the District of Columbia, the commonwealth of  
18 Puerto Rico, or any territory or possession of the United States, unless the context  
19 requires that “state” means only the state of Wisconsin.”.

20 **4.** Page 691, line 13: delete lines 13 to 16.

21 **5.** Page 691, line 16: after that line insert:

22 “**SECTION 1754b.** 71.04 (7) (a) of the statutes is amended to read:

23 71.04 (7) (a) The sales factor is a fraction, the numerator of which is the total  
24 sales of the taxpayer in this state during the tax period, and the denominator of

1 which is the total sales of the taxpayer everywhere during the tax period. For sales  
2 of tangible personal property, the numerator of the sales factor is the sales of the  
3 taxpayer during the tax period under par. (b) 1. and 2. plus ~~100~~ 50 percent of the sales  
4 of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c). ~~For purposes~~  
5 ~~of applying pars. (b) 2m. and 3. and (c), if a taxpayer is within another state's~~  
6 ~~jurisdiction for income or franchise tax purposes for any part of the taxable year, it~~  
7 ~~is considered to be within that state's jurisdiction for income or franchise tax~~  
8 ~~purposes for the entire taxable year.~~

9 **SECTION 1754c.** 71.04 (7) (d) of the statutes is created to read:

10 71.04 (7) (d) Except as provided in pars. (df) and (dh), sales, other than sales  
11 of tangible personal property, are in this state if the income-producing activity is  
12 performed in this state. If the income-producing activity is performed both in and  
13 outside this state the sales shall be divided between those states having jurisdiction  
14 to tax such business in proportion to the direct costs of performance incurred in each  
15 such state in rendering this service.

16 **SECTION 1754d.** 71.04 (7) (df) 3. of the statutes is created to read:

17 71.04 (7) (df) 3. If the taxpayer is not subject to income tax in the state in which  
18 the gross receipts are considered received under this paragraph, but the taxpayer's  
19 commercial domicile is in this state, 50 percent of those gross receipts shall be  
20 included in the numerator of the sales factor.

21 **SECTION 1754e.** 71.04 (7) (dh) 4. of the statutes is created to read:

22 71.04 (7) (dh) 4. If the taxpayer is not subject to income tax in the state in which  
23 the benefit of the service is received, the benefit of the service is received in this state  
24 to the extent that the taxpayer's employees or representatives performed services  
25 from a location in this state. Fifty percent of the taxpayer's receipts that are

1 considered received in this state under this paragraph shall be included in the  
2 numerator of the sales factor.

3 **SECTION 1754f.** 71.04 (7) (dj) of the statutes is repealed.

4 **SECTION 1754g.** 71.04 (7) (dk) of the statutes is repealed.

5 **SECTION 1754h.** 71.04 (8) (a) 1. of the statutes is renumbered 71.04 (8) (a).

6 **SECTION 1754j.** 71.04 (8) (a) 2. of the statutes is repealed.”.

7 **6.** Page 691, line 22: delete the material beginning with that line and ending  
8 with page 692, line 3.

9 **7.** Page 692, line 3: after that line insert:

10 “**SECTION 1755h.** 71.05 (6) (a) 24. of the statutes is amended to read:

11 71.05 (6) (a) 24. The amount deducted or excluded under the Internal Revenue  
12 Code for interest expenses, and rental expenses, ~~intangible expenses, and~~  
13 ~~management fees~~ that are directly or indirectly paid, accrued, or incurred to, or in  
14 connection directly or indirectly with one or more direct or indirect transactions with,  
15 one or more related entities.”.

16 **8.** Page 693, line 11: after that line insert:

17 “**SECTION 1760d.** 71.05 (6) (b) 46. of the statutes is amended to read:

18 71.05 (6) (b) 46. An amount added, pursuant to par. (a) 24. or s. 71.26 (2) (a) 7.,  
19 71.34 (1k) (j), or 71.45 (2) (a) 16., to the federal income of a related entity that paid  
20 interest expenses, or rental expenses, ~~intangible expenses, or management fees~~ to  
21 the individual or fiduciary, to the extent that the related entity could not offset such  
22 amount with the deduction allowable under subd. 45. or s. 71.26 (2) (a) 8., 71.34 (1k)  
23 (k), or 71.45 (2) (a) 17.”.

24 **9.** Page 693, line 12: delete lines 12 to 25.



1           **10.** Page 694, line 4: delete the material beginning with that line and ending  
2 with page 696, line 19.

3           **11.** Page 707, line 11: delete that line and substitute “(b) 1. and 2. ~~(d).~~ (df) 1.  
4 ~~and 2., and (dh) 1., 2., and 3., (dj) 1. and (dk) 1.~~ and research expenses”.

5           **12.** Page 729, line 10: delete the material beginning with that line and ending  
6 with page 730, line 15.

7           **13.** Page 730, line 16: delete lines 16 to 25.

8           **14.** Page 731, line 1: delete lines 1 to 8.

9           **15.** Page 731, line 8: after that line insert:

10           “**SECTION 1884d.** 71.10 (1) of the statutes is amended to read:

11           71.10 (1) ALLOCATION OF GROSS INCOME, DEDUCTIONS, CREDITS BETWEEN 2 OR MORE  
12 BUSINESSES. In any case of 2 or more organizations, trades or businesses (whether or  
13 not incorporated, whether or not organized in the United States, and whether or not  
14 affiliated, ~~and whether or not unitary~~) owned or controlled directly or indirectly by  
15 the same interests, the secretary or the secretary’s delegate may distribute,  
16 apportion or allocate gross income, deductions, credits or allowances between or  
17 among such organizations, trades or businesses, if the secretary determines that  
18 such distribution, apportionment or allocation is necessary in order to prevent  
19 evasion of taxes or clearly to reflect the income of any of such organizations, trades  
20 or businesses. ~~The authority granted under this subsection is in addition to, and not~~  
21 ~~a limitation of or dependent on, the provisions of ss. 71.05 (6) (a) 24. and (b) 45., 71.26~~  
22 ~~(2) (a) 7. and 8., 71.34 (1k) (j) and (k), 71.45 (2) (a) 16. and 17., and 71.80 (23).~~

23           **SECTION 1884e.** 71.10 (1m) of the statutes is repealed.”.

24           **16.** Page 731, line 10: delete lines 10 and 11.

1 **17.** Page 734, line 25: delete the material beginning with that line and ending  
2 with page 735, line 4.

3 **18.** Page 735, line 4: after that line insert:

4 **"SECTION 1889nb.** 71.22 (1g) of the statutes is amended to read:

5 71.22 (1g) For purposes of s. 71.25 (9) (df), and (dh), ~~(dj)~~, and ~~(dk)~~, "commercial  
6 domicile" means the location from which a trade or business is principally managed  
7 and directed, based on any factors the department determines are appropriate,  
8 including the location where the greatest number of employees of the trade or  
9 business work, have their office or base of operations, or from which the employees  
10 are directed or controlled.

11 **SECTION 1889nk.** 71.22 (1r) of the statutes is amended to read:

12 71.22 (1r) "Doing business in this state" includes, ~~except as prohibited under~~  
13 ~~P.L. 86-272~~, issuing credit, debit, or travel and entertainment cards to customers in  
14 this state; ~~regularly selling products or services of any kind or nature to customers~~  
15 ~~in this state that receive the product or service in this state; regularly soliciting~~  
16 ~~business from potential customers in this state; regularly performing services~~  
17 ~~outside this state for which the benefits are received in this state; regularly engaging~~  
18 ~~in transactions with customers in this state that involve intangible property and~~  
19 ~~result in receipts flowing to the taxpayer from within this state; holding loans~~  
20 ~~secured by real or tangible personal property located in this state; owning, directly~~  
21 ~~or indirectly, a general or limited partnership interest in a partnership that does~~  
22 ~~business in this state, regardless of the percentage of ownership; and owning,~~  
23 ~~directly or indirectly, an interest in a limited liability company that does business in~~  
24 this state, regardless of the percentage of ownership, if the limited liability company

1 is treated as a partnership for federal income tax purposes. ~~A taxpayer doing~~  
2 ~~business in this state for any part of the taxable year is considered to be doing~~  
3 ~~business in this state for the entire taxable year.~~

4 **SECTION 1889nL.** 71.22 (1t) of the statutes is amended to read:

5 71.22 (1t) For purposes of s. 71.25 (9) (df), and (dh), ~~(dj), and (dk)~~, "domicile"  
6 means an individual's true, fixed, and permanent home where the individual intends  
7 to remain permanently and indefinitely and to which, whenever absent, the  
8 individual intends to return, except that no individual may have more than one  
9 domicile at any time.

10 **SECTION 1889nm.** 71.22 (3g) of the statutes is repealed.

11 **SECTION 1889nn.** 71.22 (3h) of the statutes is repealed.

12 **SECTION 1889np.** 71.22 (3m) of the statutes is amended to read:

13 71.22 (3m) For purposes of ss. s. 71.26 (2) (a) 7. and 9. ~~and 71.255 (2) (d) 1.~~,  
14 "interest expenses" means interest that would otherwise be deductible under section  
15 163 of the Internal Revenue Code, as modified under s. 71.26 (3)."

16 *LPS: PLS* **19.** Page 751, line 14: delete the material beginning with that line and ending  
17 *chg comp-* with page 753, line 5, and substitute: ,

18 **SECTION 1891e.** 71.22 (6d) of the statutes is repealed.

19 **SECTION 1891f.** 71.22 (9g) of the statutes is amended to read:

20 71.22 (9g) For purposes of s. 71.25 (9) (df), and (dh), ~~(dj), and (dk)~~, "state" means  
21 a state of the United States, the District of Columbia, the commonwealth of Puerto  
22 Rico, or any territory or possession of the United States, unless the context requires  
23 that "state" means only the state of Wisconsin.

24 **SECTION 1891g.** 71.25 (intro.) of the statutes is amended to read:

1       **71.25 Situs of income; allocation and apportionment.** (intro.) For  
2 purposes of determining the situs of income under this section ~~and s. 71.255 (5) (a)~~  
3 ~~1. and 2.:~~

4       **SECTION 1891h.** 71.25 (5) (b) of the statutes is renumbered 71.25 (5) (b) 1.

5       **SECTION 1891i.** 71.25 (5) (b) 2. of the statutes is created to read:

6       71.25 (5) (b) 2. All income, gain, or loss from intangible property that is earned  
7 by a personal holding company, as defined in section 542 of the Internal Revenue  
8 Code, as amended to December 31, 1974, shall be allocated to the residence of the  
9 taxpayer, except that all income that is realized from the sale of or purchase and  
10 subsequent sale or redemption of lottery prizes if the winning tickets were originally  
11 bought in this state shall be allocated to this state.

12       **SECTION 1891j.** 71.25 (9) (a) of the statutes is amended to read:

13       71.25 (9) (a) The sales factor is a fraction, the numerator of which is the total  
14 sales of the taxpayer in this state during the tax period, and the denominator of  
15 which is the total sales of the taxpayer everywhere during the tax period. For sales  
16 of tangible personal property, the numerator of the sales factor is the sales of the  
17 taxpayer during the tax period under par. (b) 1. and 2. plus ~~100~~ 50 percent of the sales  
18 of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c). ~~For purposes~~  
19 ~~of applying pars. (b) 2m. and 3. and (c), if a taxpayer is within another state's~~  
20 ~~jurisdiction for income or franchise tax purposes for any part of the taxable year, it~~  
21 ~~is considered to be within that state's jurisdiction for income or franchise tax~~  
22 ~~purposes for the entire taxable year.~~

23       **SECTION 1891k.** 71.25 (9) (d) of the statutes is created to read:

24       71.25 (9) (d) Except as provided in pars. (df) and (dh), sales, other than sales  
25 of tangible personal property, are in this state if the income-producing activity is

1 performed in this state. If the income-producing activity is performed both in and  
2 outside this state the sales shall be divided between those states having jurisdiction  
3 to tax such business in proportion to the direct costs of performance incurred in each  
4 such state in rendering this service.

5 **SECTION 1891L.** 71.25 (9) (df) 3. of the statutes is created to read:

6 71.25 (9) (df) 3. If the taxpayer is not subject to income tax in the state in which  
7 the gross receipts are considered received under this paragraph, but the taxpayer's  
8 commercial domicile is in this state, 50 percent of those gross receipts shall be  
9 included in the numerator of the sales factor.

10 **SECTION 1891m.** 71.25 (9) (dh) 4. of the statutes is created to read:

11 71.25 (9) (dh) 4. If the taxpayer is not subject to income tax in the state in which  
12 the benefit of the service is received, the benefit of the service is received in this state  
13 to the extent that the taxpayer's employees or representatives performed services  
14 from a location in this state. Fifty percent of the taxpayer's receipts that are  
15 considered received in this state under this paragraph shall be included in the  
16 numerator of the sales factor.

17 **SECTION 1891n.** 71.25 (9) (dj) of the statutes is repealed.

18 **SECTION 1891p.** 71.25 (9) (dk) of the statutes is repealed.

19 **SECTION 1891q.** 71.25 (10) (a) 1. of the statutes is renumbered 71.25 (10) (a).

20 **SECTION 1891r.** 71.25 (10) (a) 2. of the statutes is repealed.

21 **SECTION 1891s.** 71.255 of the statutes is repealed."

22 **20.** Page 753, line 17: delete lines 17 to 25.

23 **21.** Page 753, line 25: after that line insert:

24 **"SECTION 1896h.** 71.26 (2) (a) 7. of the statutes is amended to read:

1 71.26 (2) (a) 7. Plus the amount deducted or excluded under the Internal  
2 Revenue Code for interest expenses, and rental expenses, ~~intangible expenses, and~~  
3 ~~management fees~~ that are directly or indirectly paid, accrued, or incurred to, or in  
4 connection directly or indirectly with one or more direct or indirect transactions with,  
5 one or more related entities.

6 **SECTION 1896k.** 71.26 (2) (a) 9. of the statutes is amended to read:

7 71.26 (2) (a) 9. Minus the amount added, pursuant to subd. 7. or s. 71.05 (6) (a)  
8 24., 71.34 (1k) (j), or 71.45 (2) (a) 16., to the federal income of a related entity that  
9 paid interest expenses, or rental expenses, ~~intangible expenses, or management fees~~  
10 to the corporation, to the extent that the related entity could not offset such amount  
11 with the deduction allowable under subd. 8. or s. 71.05 (6) (b) 45., 71.34 (1k) (k), or  
12 71.45 (2) (a) 17.”.

13 **22.** Page 755, line 14: after that line insert:

14 **“SECTION 1897m.** 71.26 (3) (x) of the statutes is amended to read:

15 71.26 (3) (x) Sections 1501 to 1505, 1551, 1552, 1563 and 1564 (relating to  
16 consolidated returns) are excluded, ~~except that U.S. Treasury Regulation 1.1502-13,~~  
17 ~~relating to deferred gain or loss from an intercompany transaction, applies to~~  
18 ~~transactions between combined group members under s. 71.255 (4) (g).”.~~

19 **23.** Page 775, line 15: delete the material beginning with that line and ending  
20 with page 776, line 13.

21 **24.** Page 804, line 16: after that line insert:

22 **“SECTION 1997d.** 71.28 (4) (ad) 1. of the statutes is amended to read:

23 71.28 (4) (ad) 1. Except as provided in subds. 2. and 3., any corporation may  
24 credit against taxes otherwise due under this chapter an amount equal to 5 percent

9

1 of the amount obtained by subtracting from the corporation's qualified research  
2 expenses, as defined in section 41 of the Internal Revenue Code, except that  
3 "qualified research expenses" includes only expenses incurred by the claimant,  
4 incurred for research conducted in this state for the taxable year, except that a  
5 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
6 Internal Revenue Code and that election applies until the department permits its  
7 revocation, except as provided in par. (af), and except that "qualified research  
8 expenses" does not include compensation used in computing the credit under subs.  
9 (1dj) and (1dx), the corporation's base amount, as defined in section 41 (c) of the  
10 Internal Revenue Code, except that gross receipts used in calculating the base  
11 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
12 (b) 1. and 2., ~~(d), (df) 1., and 2., (dh) 1., 2., and 3., (dj), and (dk)~~. Section 41 (h) of the  
13 Internal Revenue Code does not apply to the credit under this paragraph.

14 **SECTION 1997e.** 71.28 (4) (ad) 2. of the statutes is amended to read:

15 71.28 (4) (ad) 2. For taxable years beginning after June 30, 2007, any  
16 corporation may credit against taxes otherwise due under this chapter an amount  
17 equal to 10 percent of the amount obtained by subtracting from the corporation's  
18 qualified research expenses, as defined in section 41 of the Internal Revenue Code,  
19 except that "qualified research expenses" includes only expenses incurred by the  
20 claimant for research related to designing internal combustion engines for vehicles,  
21 including expenses related to designing vehicles that are powered by such engines  
22 and improving production processes for such engines and vehicles, incurred for  
23 research conducted in this state for the taxable year, except that a taxpayer may elect  
24 the alternative computation under section 41 (c) (4) of the Internal Revenue Code  
25 and that election applies until the department permits its revocation, except as

1 provided in par. (af), and except that “qualified research expenses” does not include  
2 compensation used in computing the credit under subs. (1dj) and (1dx), the  
3 corporation’s base amount, as defined in section 41 (c) of the Internal Revenue Code,  
4 except that gross receipts used in calculating the base amount means gross receipts  
5 from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., ~~(df) 1. and 2., (dh)~~  
6 ~~1., 2., and 3., (dj), and (dk) (d)~~. Section 41 (h) of the Internal Revenue Code does not  
7 apply to the credit under this paragraph.

8 **SECTION 1987ec.** 71.28 (4) (ad) 3. of the statutes is amended to read:

9 71.28 (4) (ad) 3. For taxable years beginning after June 30, 2007, any  
10 corporation may credit against taxes otherwise due under this chapter an amount  
11 equal to 10 percent of the amount obtained by subtracting from the corporation’s  
12 qualified research expenses, as defined in section 41 of the Internal Revenue Code,  
13 except that “qualified research expenses” includes only expenses incurred by the  
14 claimant for research related to the design and manufacturing of energy efficient  
15 lighting systems, building automation and control systems, or automotive batteries  
16 for use in hybrid–electric vehicles, that reduce the demand for natural gas or  
17 electricity or improve the efficiency of its use, incurred for research conducted in this  
18 state for the taxable year, except that a taxpayer may elect the alternative  
19 computation under section 41 (c) (4) of the Internal Revenue Code and that election  
20 applies until the department permits its revocation, except as provided in par. (af),  
21 and except that “qualified research expenses” does not include compensation used  
22 in computing the credit under subs. (1dj) and (1dx), the corporation’s base amount,  
23 as defined in section 41 (c) of the Internal Revenue Code, except that gross receipts  
24 used in calculating the base amount means gross receipts from sales attributable to  
25 Wisconsin under s. 71.25 (9) (b) 1. and 2., ~~(df) 1. and 2., (dh) 1., 2., and 3., (dj), and~~



1 ~~(dk)~~ (d). Section 41 (h) of the Internal Revenue Code does not apply to the credit  
2 under this paragraph.”

3 **25.** Page 805, line 7: delete that line and substitute “Wisconsin under s. 71.25  
4 (9) (b) 1. and 2., ~~(d), (df) 1. and 2., and (dh) 1., 2., and 3., (dj), and~~”.

5 **26.** Page 805, line 8: delete ~~“(dk)”~~ and substitute ~~“(dk)”~~.

6 **27.** Page 809, line 16: delete the material beginning with that line and ending  
7 with page 811, line 1.

8 **28.** Page 811, line 1: after that line insert:

9 “SECTION 2011e. 71.30 (2) of the statutes is amended to read:

10 71.30 (2) ALLOCATION OF GROSS INCOME, DEDUCTIONS, CREDITS BETWEEN 2 OR MORE  
11 BUSINESSES. In any case of 2 or more organizations, trades or businesses (whether or  
12 not incorporated, whether or not organized in the United States, and whether or not  
13 affiliated, ~~and whether or not unitary~~) owned or controlled directly or indirectly by  
14 the same interests, the secretary or his or her delegate may distribute, apportion or  
15 allocate gross income, deductions, credits or allowances between or among such  
16 organizations, trades or businesses, if he or she determines that such distribution,  
17 apportionment or allocation is necessary in order to prevent evasion of taxes or  
18 clearly to reflect the income of any of such organizations, trades or businesses. The  
19 authority granted under this subsection is in addition to, and not a limitation of or  
20 dependent on, the provisions of ss. 71.05 (6) (a) 24. and (b) 45., 71.26 (2) (a) 7. and 8.,  
21 71.34 (1k) (j) and (k), 71.45 (2) (a) 16. and 17., and 71.80 (23).

22 SECTION 2011f. 71.30 (2m) of the statutes is repealed.

23 SECTION 2012e. 71.34 (1c) of the statutes is repealed.

24 SECTION 2012f. 71.34 (1d) of the statutes is repealed.”

1 **29.** Page 819, line 11: after that line insert:

2 “SECTION 2013e. 71.34 (1h) of the statutes is repealed.”

3 **30.** Page 819, line 12: delete lines 12 to 16.

4 **31.** Page 819, line 16: after that line insert:

5 “SECTION 2013g. 71.34 (1k) (j) of the statutes is amended to read:

6 71.34 (1k) (j) An addition shall be made for any amount deducted or excluded  
7 under the Internal Revenue Code for interest expenses, and rental expenses,  
8 ~~intangible expenses, and management fees~~ that are directly or indirectly paid,  
9 accrued, or incurred to, or in connection directly or indirectly with one or more direct  
10 or indirect transactions with, one or more related entities.

11 SECTION 2013h. 71.34 (1k) (L) of the statutes is amended to read:

12 71.34 (1k) (L) A deduction shall be allowed for the amount added, pursuant to  
13 par. (j) or s. 71.05 (6) (a) 24., 71.26 (2) (a) 7., or 71.45 (2) (a) 16., to the federal income  
14 of a related entity that paid interest expenses, or rental expenses, ~~intangible~~  
15 ~~expenses, or management fees~~ to the corporation, to the extent that the related entity  
16 could not offset such amount with the deduction allowable under par. (k) or s. 71.05  
17 (6) (b) 45., 71.26 (2) (a) 8., or 71.45 (2) (a) 17.

18 SECTION 2013i. 71.42 (1sg) of the statutes is repealed.

19 SECTION 2013j. 71.42 (1sh) of the statutes is repealed.

20 SECTION 2013k. 71.42 (1t) of the statutes is amended to read:

21 71.42 (1t) For purposes of ~~ss. s.~~ 71.45 (2) (a) 16. and 18. ~~and 71.255 (2) (d) 1.~~,  
22 “interest expenses” means interest that would otherwise be deductible under section  
23 163 of the Internal Revenue Code, as adjusted under s. 71.45 (2).”.


24 **32.** Page 827, line 16: after that line insert:

1 "SECTION 2014e. 71.42 (3c) of the statutes is repealed.

2 SECTION 2014f. 71.43 (2) of the statutes is amended to read:

3 71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its  
4 franchise, buying or selling lottery prizes if the winning tickets were originally  
5 bought in this state or doing business in this state in a corporate capacity, except as  
6 provided under s. 71.23 (3), every domestic or foreign corporation, except  
7 corporations specified in ss. 71.26 (1) and 71.45 (1) (a), shall annually pay a franchise  
8 tax according to or measured by its entire Wisconsin net income of the preceding  
9 taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in  
10 ss. 71.23 (3), 71.26 (1) and 71.45 (1) (a), a corporation that ceases doing business in  
11 this state shall pay a special franchise tax according to or measured by its entire  
12 Wisconsin net income for the taxable year during which the corporation ceases doing  
13 business in this state at the rate under s. 71.46 (2). Every corporation organized  
14 under the laws of this state shall be deemed to be residing within this state for the  
15 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to  
16 income taxation of corporations shall apply to franchise taxes imposed under this  
17 subsection, unless the context requires otherwise. The tax imposed by this  
18 subsection on insurance companies subject to taxation under this chapter shall be  
19 based on Wisconsin net income computed under s. 71.45, and no other provision of  
20 this chapter relating to computation of taxable income for other corporations shall  
21 apply to such insurance companies, ~~except for s. 71.255~~. All other provisions of this  
22 chapter shall apply to insurance companies subject to taxation under this chapter  
23 unless the context clearly requires otherwise."

1           **33.** Page 827, line 22: delete the material beginning with that line and ending  
2 with page 828, line 5.

3 <sup>LPS:PLS</sup> <sup>chg comp</sup> **34.** Page 828, line 6: delete lines 6 to 22 and substitute: 

4           “SECTION 2015eb. 71.45 (2) (a) 16. of the statutes is amended to read:

5           71.45 (2) (a) 16. By adding to federal taxable income any amount deducted or  
6 excluded under the Internal Revenue Code for interest expenses, and rental  
7 expenses, ~~intangible expenses, and management fees~~ that are directly or indirectly  
8 paid, accrued, or incurred to, or in connection directly or indirectly with one or more  
9 direct or indirect transactions with, one or more related entities.

10           SECTION 2015ed. 71.45 (2) (a) 18. of the statutes is amended to read:

11           71.45 (2) (a) 18. A deduction shall be allowed for the amount added, pursuant  
12 to subd. 16. or s. 71.05 (6) (a) 24., 71.26 (2) (a) 7., or 71.34 (1k) (j), to the federal income  
13 of a related entity that paid interest expenses, or rental expenses, ~~intangible~~  
14 ~~expenses, or management fees~~ to the insurer, to the extent that the related entity  
15 could not offset such amount with the deduction allowable under subd. 17. or s. 71.05  
16 (6) (b) 45., 71.26 (2) (a) 8., or 71.34 (1k) (k).”.

17           **35.** Page 854, line 16: after that line insert:

18           “SECTION 2109d. 71.47 (4) (ad) 1. of the statutes is amended to read:

19           71.47 (4) (ad) 1. Except as provided in subds. 2. and 3., any corporation may  
20 credit against taxes otherwise due under this chapter an amount equal to 5 percent  
21 of the amount obtained by subtracting from the corporation's qualified research  
22 expenses, as defined in section 41 of the Internal Revenue Code, except that  
23 “qualified research expenses” includes only expenses incurred by the claimant,  
24 incurred for research conducted in this state for the taxable year, except that a

1 taxpayer may elect the alternative computation under section 41 (c) (4) of the  
2 Internal Revenue Code and that election applies until the department permits its  
3 revocation, except as provided in par. (af), and except that “qualified research  
4 expenses” does not include compensation used in computing the credit under subs.  
5 (1dj) and (1dx), the corporation’s base amount, as defined in section 41 (c) of the  
6 Internal Revenue Code, except that gross receipts used in calculating the base  
7 amount means gross receipts from sales attributable to Wisconsin under s. 71.25 (9)  
8 (b) 1. and 2., ~~(d), (df) 1., and 2., (dh) 1., 2., and 3., (dj), and (dk)~~. Section 41 (h) of the  
9 Internal Revenue Code does not apply to the credit under this paragraph.

10 **SECTION 2109e.** 71.47 (4) (ad) 2. of the statutes is amended to read:

11 71.47 (4) (ad) 2. For taxable years beginning after June 30, 2007, any  
12 corporation may credit against taxes otherwise due under this chapter an amount  
13 equal to 10 percent of the amount obtained by subtracting from the corporation’s  
14 qualified research expenses, as defined in section 41 of the Internal Revenue Code,  
15 except that “qualified research expenses” includes only expenses incurred by the  
16 claimant for research related to designing internal combustion engines for vehicles,  
17 including expenses related to designing vehicles that are powered by such engines  
18 and improving production processes for such engines and vehicles, incurred for  
19 research conducted in this state for the taxable year, except that a taxpayer may elect  
20 the alternative computation under section 41 (c) (4) of the Internal Revenue Code  
21 and that election applies until the department permits its revocation, except as  
22 provided in par. (af), and except that “qualified research expenses” does not include  
23 compensation used in computing the credit under subs. (1dj) and (1dx), the  
24 corporation’s base amount, as defined in section 41 (c) of the Internal Revenue Code,  
25 except that gross receipts used in calculating the base amount means gross receipts

1 from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., ~~(df) 1. and 2., (dh)~~  
2 1., 2., and 3., ~~(dj), and (dk)~~ (d). Section 41 (h) of the Internal Revenue Code does not  
3 apply to the credit under this paragraph.

4 **SECTION 2109f.** 71.47 (4) (ad) 3. of the statutes is amended to read:

5 71.47 **(4)** (ad) 3. For taxable years beginning after June 30, 2007, any  
6 corporation may credit against taxes otherwise due under this chapter an amount  
7 equal to 10 percent of the amount obtained by subtracting from the corporation's  
8 qualified research expenses, as defined in section 41 of the Internal Revenue Code,  
9 except that "qualified research expenses" includes only expenses incurred by the  
10 claimant for research related to the design and manufacturing of energy efficient  
11 lighting systems, building automation and control systems, or automotive batteries  
12 for use in hybrid-electric vehicles, that reduce the demand for natural gas or  
13 electricity or improve the efficiency of its use, incurred for research conducted in this  
14 state for the taxable year, except that a taxpayer may elect the alternative  
15 computation under section 41 (c) (4) of the Internal Revenue Code and that election  
16 applies until the department permits its revocation, except as provided in par. (af),  
17 and except that "qualified research expenses" does not include compensation used  
18 in computing the credit under subs. (1dj) and (1dx), the corporation's base amount,  
19 as defined in section 41 (c) of the Internal Revenue Code, except that gross receipts  
20 used in calculating the base amount means gross receipts from sales attributable to  
21 Wisconsin under s. 71.25 (9) (b) 1. and 2., ~~(df) 1. and 2., (dh) 1., 2., and 3., (dj), and~~  
22 ~~(dk)~~ (d). Section 41 (h) of the Internal Revenue Code does not apply to the credit  
23 under this paragraph.".

24 **36.** Page 855, line 7: delete "2., (df) 1." and substitute "2., (d), (df) ~~1.~~".

1 **37.** Page 855, line 8: delete "and 2., (dh) 1., 2., and 3., (dj), and (dk)" and  
2 substitute "and 2., and (dh) 1., 2., and 3., (dj), and (dk)".

3 **38.** Page 859, line 9: delete the material beginning with that line and ending  
4 with page <sup>862</sup>860, line <sup>17</sup>19. ✓

5 **39.** Page 860, line 20: delete the material beginning with that line and ending  
6 with page 862, line 17.

7 **40.** Page 862, line 22: after that line insert:

8 "SECTION 2129d. 71.80 (1) (b) of the statutes is amended to read:

9 71.80 (1) (b) In any case of 2 or more organizations, trades or businesses  
10 (whether or not incorporated, whether or not organized in the United States, and  
11 whether or not affiliated, ~~and whether or not unitary~~) owned or controlled directly  
12 or indirectly by the same interests, the secretary or the secretary's delegate may  
13 distribute, apportion or allocate gross income, deductions, credits or allowances  
14 between or among such organizations, trades or businesses, if the secretary  
15 determines that such distribution, apportionment or allocation is necessary in order  
16 to prevent evasion of taxes or clearly to reflect the income of any of such  
17 organizations, trades or businesses. The authority granted under this subsection is  
18 in addition to, and not a limitation of or dependent on, the provisions of sub. (23) and  
19 ss. 71.05 (6) (a) 24. and (b) 45., 71.26 (2) (a) 7. and 8., 71.34 (1k) (j) and (k), and 71.45  
20 (2) (a) 16. and 17.

21 SECTION 2129e. 71.80 (1m) of the statutes is repealed.

22 SECTION 2129f. 71.80 (24) of the statutes is repealed."

23 **41.** Page 883, line 3: delete lines 3 to 19.

