

2013 DRAFTING REQUEST

Bill

Received: **8/12/2013** Received By: **jkreye**
Wanted: **As time permits** Same as LRB: **-3119**
For: **Joseph Leibham (608) 266-2056** By/Representing: **lucas**
May Contact: Drafter: **jkreye**
Subject: **Tax, Business - credits** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Leibham@legis.wisconsin.gov**
Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Insulating concrete forms credit

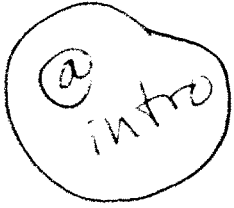
Instructions:

See attached

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 8/12/2013	wjackson 8/23/2013	jmurphy 8/26/2013	_____			
/P1	jkreye 9/3/2013			_____	lparisi 8/26/2013		State S&L
/1		wjackson 9/3/2013	rschluet 9/3/2013	_____	lparisi 9/3/2013	lparisi 9/11/2013	State S&L

FE Sent For:

A hand-drawn circle containing the text '@' on the top left and 'intro' written below it.

<END>

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/?	jkreye 8/12/2013	wjackson 8/23/2013	jmurphy 8/26/2013	_____			
/P1	jkreye 9/3/2013			_____	lparisi 8/26/2013		State S&L
/1		wjackson 9/3/2013	rschluet 9/3/2013	_____	lparisi 9/3/2013		State S&L

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/?	jkreye 8/12/2013	wjackson 8/23/2013	jmurphy 8/26/2013	_____			
/P1		1 WJ 9/3		_____	lparisi 8/26/2013		State S&L

FE Sent For:

<END>

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/?	jkreye	1/PI WJ 8/23	Jm 8/23	Kry 4/26			
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FE Sent For:

<END>

Kreye, Joseph

From: Moench, Lucas
Sent: Monday, August 12, 2013 11:06 AM
To: Kreye, Joseph
Subject: Drafting Request

Joseph-

Could you re-draft 2011 SB 227 for us, as introduced, with the following modifications:

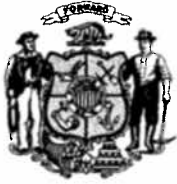
We want to maintain only the insulating concrete forms component of the draft, and delete the material related to "energy efficient products". Substantively, this means deleting pg. 2, lines 20-23, pg. 3 lines 1-3, pg. 4, lines 23-25, pg. 5 lines 1-4, pg. 6 lines 23-25, and pg. 7 lines 1-4.

Might as well draft in preliminary form.

Let me know if you have any questions.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1390/2

JK:rw/ks

WLJ

29/2/11

in 8-12-13

2011 SENATE BILL 227

due Tuesday
8-27

October 11, 2011 - Introduced by Senators LEIBHAM and KEDZIE, cosponsored by Representatives ENDSLEY, A. OTT, SPANBAUER, BROOKS, BIES and KESTELL. Referred to Committee on Economic Development and Veterans and Military Affairs.

re gov

1 AN ACT *to amend* 71.05 (6) (a) 15., 71.21 (4), 71.26 (2) (a) 4., 71.34 (1k) (g), 71.45
2 (2) (a) 10. and 77.92 (4); and *to create* 71.07 (9g), 71.10 (4) (cr), 71.28 (9g), 71.30
3 (3) (dn), 71.47 (9g) and 71.49 (1) (dn) of the statutes; **relating to:** income and
4 franchise tax credits for insulating concrete forms used to construct a building
5 and energy efficient products.

Analysis by the Legislative Reference Bureau

This bill creates an income and franchise tax credit equal to the amount that the taxpayer pays in the taxable year to purchase or manufacture insulating concrete forms used to construct a building and energy efficient products. If the amount of the credit exceeds the taxpayer's tax liability, the taxpayer does not receive a refund, but may claim the amount of any unused credit in subsequent taxable years.

For further information see the **state and local** 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:

6 SECTION 1. 71.05 (6) (a) 15. of the statutes is amended to read:

SENATE BILL 227

SECTION 1

2
6

1 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
 2 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
 3 (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5h), (5i), (5j), (5k), (5r), (5rm), and (8r), and (9g)
 4 and not passed through by a partnership, limited liability company, or tax-option
 5 corporation that has added that amount to the partnership's, company's, or
 6 tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

7 SECTION 2. 71.07 (9g) of the statutes is created to read:

8 71.07 (9g) INSULATING CONCRETE FORMS AND ENERGY EFFICIENT PRODUCTS CREDIT.

9 (a) Definitions. In this subsection:

- 10 1. "Claimant" means a person who files a claim under this subsection.
- 11 2. "Insulating concrete form" means a hollow expandable polystyrene form
- 12 system that is filled with concrete and includes the concrete used to fill the form.

13 (b) Filing claims. Subject to the limitations provided in this subsection, a
 14 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
 15 amount of the taxes, an amount equal to the amount that the claimant paid in the
 16 taxable year to purchase any of the following for use in this state, or to manufacture
 17 any of the following in this state. *insulating* (No 4)

18 1. Insulating concrete forms used to construct the foundation walls, frost walls,
 19 or insulated interior or exterior walls of any building.

20 2. Any item of tangible personal property that is governed by and satisfies any
 21 of the following standards for energy efficiency:

- 22 a. The 2001 supplement of the 2000 International Energy Conservation Code.
- 23 b. The 2004 supplement of the 2003 International Energy Conservation Code.

SENATE BILL 227

1 c. The 2007 energy efficiency guidelines established by the federal
2 environmental protection agency and the federal department of energy under the
3 Energy Star program.

4 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
5 item for which the person has received a rebate under any state program, including
6 a state program operated in conjunction with private entities.

7 2. Partnerships, limited liability companies, and tax-option corporations may
8 not claim the credit under this subsection, but the eligibility for, and the amount of,
9 the credit are based on their payment of the amounts described under par. (b). A
10 partnership, limited liability company, or tax-option corporation shall compute the
11 amount of credit that each of its partners, members, or shareholders may claim and
12 shall provide that information to each of them. Partners, members of limited liability
13 companies, and shareholders of tax-option corporations may claim the credit in
14 proportion to their ownership interests.

15 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
16 s. 71.28 (4), applies to the credit under this subsection.

17 **SECTION 3.** 71.10 (4) ^(c5) (cr) of the statutes is created to read:

18 71.10 (4) ^(c5) (cr) (Insulating concrete forms and energy efficient products credit
19 under s. 71.07 (9g). ^(c5)

20 **SECTION 4.** 71.21 (4) of the statutes is amended to read:

21 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
22 (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s),
23 (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), and (8r), and (9g) and passed
24 through to partners shall be added to the partnership's income.

SENATE BILL 227

SECTION 5

1 SECTION 5. 71.26 (2) (a) 4. of the statutes, as affected by 2011 Wisconsin Act 3,
2 is amended to read:

3 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd),
4 (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r),
5 (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (8r), (9g), and
6 (9s) and not passed through by a partnership, limited liability company, or
7 tax-option corporation that has added that amount to the partnership's, limited
8 liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k)
9 (g).

10 SECTION 6. 71.28 (9g) of the statutes is created to read:

11 71.28 (9g) INSULATING CONCRETE FORMS AND ENERGY EFFICIENT PRODUCTS CREDIT.

12 (a) Definitions. In this subsection:

13 1. "Claimant" means a person who files a claim under this subsection.

14 2. "Insulating concrete form" means a hollow expandable polystyrene form
15 system that is filled with concrete and includes the concrete used to fill the form.

16 (b) Filing claims. Subject to the limitations provided in this subsection, a
17 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
18 amount of the taxes, an amount equal to the amount that the claimant paid in the
19 taxable year to purchase any of the following for use in this state, or to manufacture

20 any of the following in this state:

21 1. Insulating concrete forms used to construct the foundation walls, frost walls,
22 or insulated interior or exterior walls of any building.

23 2. Any item of tangible personal property that is governed by and satisfies any
24 of the following standards for energy efficiency:

25 a. The 2001 supplement of the 2000 International Energy Conservation Code.

Handwritten notes: "insert 9-10" with arrows pointing to lines 9 and 10.

Handwritten mark: a checkmark or similar symbol.

Handwritten annotations: "insulating" written over "any of the following" and "No ff" in a circle.

Handwritten box around items 2 and a. of section 6.

SENATE BILL 227

1 b. The 2004 supplement of the 2003 International Energy Conservation Code.

2 c. The 2007 energy efficiency guidelines established by the federal
3 environmental protection agency and the federal department of energy under the
4 Energy Star program.

5 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
6 item for which the person has received a rebate under any state program, including
7 a state program operated in conjunction with private entities.

8 2. Partnerships, limited liability companies, and tax-option corporations may
9 not claim the credit under this subsection, but the eligibility for, and the amount of,
10 the credit are based on their payment of the amounts described under par. (b). A
11 partnership, limited liability company, or tax-option corporation shall compute the
12 amount of credit that each of its partners, members, or shareholders may claim and
13 shall provide that information to each of them. Partners, members of limited liability
14 companies, and shareholders of tax-option corporations may claim the credit in
15 proportion to their ownership interests.

16 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
17 sub. (4), applies to the credit under this subsection.

18 **SECTION 7.** 71.30 (3) ^(dr) (dn) of the statutes is created to read:

19 71.30 (3) ^(dr) (dn) Insulating concrete forms and energy efficient products credit
20 under s. 71.28 (9g). ^(dr)

21 **SECTION 8.** 71.34 (1k) (g) of the statutes is amended to read:

22 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
23 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),
24 (3), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j),
25 (5k), (5r), (5rm), and (8r), and (9g) and passed through to shareholders.

SENATE BILL 227

SECTION 9

1 SECTION 9. 71.45 (2) (a) 10. of the statutes, as affected by 2011 Wisconsin Act
2 3, is amended to read:

3 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
4 computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn),
5 (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (8r), (9g), and (9s) and not passed
6 through by a partnership, limited liability company, or tax-option corporation that
7 has added that amount to the partnership's, limited liability company's, or
8 tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount
9 of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

Amend
6-7

10 SECTION 10. 71.47 (9g) of the statutes is created to read:

11 71.47 (9g) INSULATING CONCRETE FORMS AND ENERGY EFFICIENT PRODUCTS CREDIT.

12 (a) Definitions. In this subsection:

13 1. "Claimant" means a person who files a claim under this subsection.

14 2. "Insulating concrete form" means a hollow expandable polystyrene form
15 system that is filled with concrete and includes the concrete used to fill the form.

16 (b) Filing claims. Subject to the limitations provided in this subsection, a
17 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
18 amount of the taxes, an amount equal to the amount that the claimant paid in the
19 taxable year to purchase any of the following for use in this state, or to manufacture

20 any of the following in this state:

21 1. Insulating concrete forms used to construct the foundation walls, frost walls,
22 or insulated interior or exterior walls of any building.

23 2. Any item of tangible personal property that is governed by and satisfies any
24 of the following standards for energy efficiency:

25 a. The 2001 supplement of the 2000 International Energy Conservation Code.

Handwritten box around item 2 and its sub-item a.

Handwritten circles around "any of the following" and "insulating".

Handwritten circle around "Not".

SENATE BILL 227

1 b. The 2004 supplement of the 2003 International Energy Conservation Code.

2 c. The 2007 energy efficiency guidelines established by the federal
3 environmental protection agency and the federal department of energy under the
4 Energy Star program.

5 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
6 item for which the person has received a rebate under any state program, including
7 a state program operated in conjunction with private entities.

8 2. Partnerships, limited liability companies, and tax-option corporations may
9 not claim the credit under this subsection, but the eligibility for, and the amount of,
10 the credit are based on their payment of the amounts described under par. (b). A
11 partnership, limited liability company, or tax-option corporation shall compute the
12 amount of credit that each of its partners, members, or shareholders may claim and
13 shall provide that information to each of them. Partners, members of limited liability
14 companies, and shareholders of tax-option corporations may claim the credit in
15 proportion to their ownership interests.

16 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
17 s. 71.28 (4), applies to the credit under this subsection.

18 **SECTION 11.** 71.49 (1) ^(dr) (dn) of the statutes is created to read:

19 71.49 (1) ^(dr) (dn) Insulating concrete forms and energy efficient products credit
20 under s. 71.47 (9g). ^(dr)

21 **SECTION 12.** 77.92 (4) of the statutes is amended to read:

22 77.92 (4) "Net business income," with respect to a partnership, means taxable
23 income as calculated under section 703 of the Internal Revenue Code; plus the items
24 of income and gain under section 702 of the Internal Revenue Code, including taxable
25 state and municipal bond interest and excluding nontaxable interest income or

SENATE BILL 227**SECTION 12**

1 dividend income from federal government obligations; minus the items of loss and
2 deduction under section 702 of the Internal Revenue Code, except items that are not
3 deductible under s. 71.21; plus guaranteed payments to partners under section 707
4 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
5 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
6 (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), and (8r),
7 and (9g); and plus or minus, as appropriate, transitional adjustments, depreciation
8 differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but
9 excluding income, gain, loss, and deductions from farming. "Net business income,"
10 with respect to a natural person, estate, or trust, means profit from a trade or
11 business for federal income tax purposes and includes net income derived as an
12 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

SECTION 13. Initial applicability.

13
14 (1) This act first applies to taxable years beginning on January 1 of the year
15 in which this subsection takes effect, except that if this subsection takes effect after
16 July 31 this act first applies to taxable years beginning on January 1 of the year
17 following the year in which this subsection takes effect.

18 (END)

^2014
Δ

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2912/?ins
JK:.....

Insert 2 - 6

1 ✓ SECTION ~~4~~ 71.05 (6) (a) 15. of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 71.05 (6) (a) 15. Except as provided under s. 71.07 (3p) (c) 5., the amount of the
4 credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds),
5 (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (4k), (4n), (5e),
6 (5f), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), ~~and (8r), and (9g)~~ ✓ and not passed through
7 by a partnership, limited liability company, or tax-option corporation that has added
8 that amount to the partnership's, company's, or tax-option corporation's income
9 under s. 71.21 (4) or 71.34 (1k) (g).

History: 2013 a. 20.

Insert 4 - 9

10 ✓ SECTION ~~4~~ 71.21 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
11 is amended to read:

12 71.21 (4) (a) The amount of the credits computed by a partnership under s.
13 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p),
14 (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (4k), (4n), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r),
15 (5rm), (6n), ~~and (8r), and (9g)~~ ✓ and passed through to partners shall be added to the
16 partnership's income.

History: 2013 a. 20.

17 SECTION ~~4~~ 71.26 (2) (a) 4. of the statutes is amended to read:

18 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd),
19 (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r),
20 (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8r), (9g), ✓
21 and (9s) and not passed through by a partnership, limited liability company, or

1 tax-option corporation that has added that amount to the partnership's, limited
 2 liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k)
 3 (g).

~~NOTE: NOTE: Subd. 4. is shown as affected by 2011 Wis. Acts 212 and 232 and as merged by the legislative reference bureau under s. 13.92 (2) (i).~~ NOTE:

~~History: 1987 a. 312; 1987 a. 411 ss. 22, 124 to 129; 1989 a. 31, 336; 1991 a. 37, 39, 221, 269; 1993 a. 16, 112, 246, 263, 399, 437, 491; 1995 a. 27, 56, 351, 371, 380, 428; 1997 a. 27, 37, 184, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 106, 109; 2003 a. 33, 85, 99, 135, 255, 326; 2005 a. 25, 74, 335, 361, 362, 479, 483; 2007 a. 20, 96, 97, 151, 226; 2009 a. 2, 28, 161, 165, 180, 183, 205, 265, 269, 295, 332, 344; 2011 a. 3, 5, 7, 10, 32, 212, 232; 2011 a. 260 s. 80; s. 13.92 (2) (i); s. 35.17 correction in (2) (a) 10.~~

Insert 6 - 9

4 ~~SECTION 71.34~~ (1k) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
 5 is amended to read:

6 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
 7 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),
 8 (3), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (4), (5), (5e), (5f), (5g), (5h),
 9 (5i), (5j), (5k), (5r), (5rm), (6n), ~~and (8r), and (9g)~~ and passed through to shareholders.

History: 2013 a. 20.

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

11 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
 12 computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn),
 13 (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8r), ~~(9g)~~ and (9s) and not
 14 passed through by a partnership, limited liability company, or tax-option
 15 corporation that has added that amount to the partnership's, limited liability
 16 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and
 17 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

~~NOTE: NOTE: Subd. 10. is shown as affected by 2011 Wis. Acts 212 and 232 and as merged by the legislative reference bureau under s. 13.92 (2) (i).~~ NOTE:

~~History: 1987 a. 312; 1989 a. 31, 336, 359; 1991 a. 37, 39, 269; 1993 a. 16, 112, 263, 437; 1995 a. 27, 56, 371, 380; 1997 a. 27, 37, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 109; 2003 a. 37, 85, 99, 135, 255, 326; 2005 a. 74, 297, 335, 361, 479, 483; 2007 a. 20, 96, 226; 2009 a. 2, 28, 165, 205, 265, 269, 295, 332, 344; 2011 a. 3, 5, 32, 212, 232; 2011 a. 260 s. 80; 13.92 (2) (i).~~

Kreye, Joseph

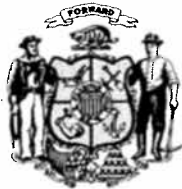
From: Moench, Lucas
Sent: Friday, August 30, 2013 3:01 PM
To: Kreye, Joseph
Subject: LRB 2912/P1

Joseph-

Can we get LRB 2912/P1 taken into a /1? We are good with the draft as is.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2912/P1
JK:wlj:jm

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes
except 11.

ins 9-3-13

due Friday 9-6

Regen

1 AN ACT to amend 71.05 (6) (a) 15., 71.21 (4) (a), 71.26 (2) (a) 4., 71.34 (1k) (g) and
2 71.45 (2) (a) 10.; and to create 71.07 (9g), 71.10 (4) (cs), 71.28 (9g), 71.30 (3) (dr),
3 71.47 (9g) and 71.49 (1) (dr) of the statutes; relating to: income and franchise
4 tax credits for insulating concrete forms used to construct a building.

Analysis by the Legislative Reference Bureau

This bill creates an income and franchise tax credit equal to the amount that the taxpayer pays in the taxable year to purchase or manufacture insulating concrete forms used to construct a building. If the amount of the credit exceeds the taxpayer's tax liability, the taxpayer does not receive a refund, but may claim the amount of any unused credit in subsequent taxable years.

For further information see the *state and local* 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:

5 SECTION 1. 71.05 (6) (a) 15. of the statutes, as affected by 2013 Wisconsin Act
6 20, is amended to read:

1 71.05 (6) (a) 15. Except as provided under s. 71.07 (3p) (c) 5., the amount of the
2 credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds),
3 (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (4k), (4n), (5e),
4 (5f), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), and (8r), and (9g) and not passed through
5 by a partnership, limited liability company, or tax-option corporation that has added
6 that amount to the partnership's, company's, or tax-option corporation's income
7 under s. 71.21 (4) or 71.34 (1k) (g).

8 **SECTION 2.** 71.07 (9g) of the statutes is created to read:

9 71.07 (9g) INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
10 subsection:

11 1. "Claimant" means a person who files a claim under this subsection.

12 2. "Insulating concrete form" means a hollow expandable polystyrene form
13 system that is filled with concrete and includes the concrete used to fill the form.

14 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
15 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
16 amount of the taxes, an amount equal to the amount that the claimant paid in the
17 taxable year to purchase for use in this state, or to manufacture in this state,
18 insulating concrete forms used to construct the foundation walls, frost walls, or
19 insulated interior or exterior walls of any building.

20 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
21 item for which the person has received a rebate under any state program, including
22 a state program operated in conjunction with private entities.

23 2. Partnerships, limited liability companies, and tax-option corporations may
24 not claim the credit under this subsection, but the eligibility for, and the amount of,
25 the credit are based on their payment of the amount described under par. (b). A

1 partnership, limited liability company, or tax-option corporation shall compute the
2 amount of credit that each of its partners, members, or shareholders may claim and
3 shall provide that information to each of them. Partners, members of limited liability
4 companies, and shareholders of tax-option corporations may claim the credit in
5 proportion to their ownership interests.

6 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
7 s. 71.28 (4), applies to the credit under this subsection.

8 **SECTION 3.** 71.10 (4) (cs) of the statutes is created to read:

9 71.10 (4) (cs) Insulating concrete forms credit under s. 71.07 (9g).

10 **SECTION 4.** 71.21 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
11 is amended to read:

12 71.21 (4) (a) The amount of the credits computed by a partnership under s.
13 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p),
14 (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (4k), (4n), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r),
15 (5rm), (6n), ~~and (8r), and (9g)~~ and passed through to partners shall be added to the
16 partnership's income.

17 **SECTION 5.** 71.26 (2) (a) 4. of the statutes is amended to read:

18 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd),
19 (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r),
20 (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8r), ~~(9g),~~
21 and (9s) and not passed through by a partnership, limited liability company, or
22 tax-option corporation that has added that amount to the partnership's, limited
23 liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k)
24 (g).

25 **SECTION 6.** 71.28 (9g) of the statutes is created to read:

1 71.28 (9g) INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
2 subsection:

3 1. “Claimant” means a person who files a claim under this subsection.

4 2. “Insulating concrete form” means a hollow expandable polystyrene form
5 system that is filled with concrete and includes the concrete used to fill the form.

6 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
7 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
8 amount of the taxes, an amount equal to the amount that the claimant paid in the
9 taxable year to purchase for use in this state, or to manufacture in this state,
10 insulating concrete forms used to construct the foundation walls, frost walls, or
11 insulated interior or exterior walls of any building.

12 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
13 item for which the person has received a rebate under any state program, including
14 a state program operated in conjunction with private entities.

15 2. Partnerships, limited liability companies, and tax-option corporations may
16 not claim the credit under this subsection, but the eligibility for, and the amount of,
17 the credit are based on their payment of the amount described under par. (b). A
18 partnership, limited liability company, or tax-option corporation shall compute the
19 amount of credit that each of its partners, members, or shareholders may claim and
20 shall provide that information to each of them. Partners, members of limited liability
21 companies, and shareholders of tax-option corporations may claim the credit in
22 proportion to their ownership interests.

23 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
24 sub. (4), applies to the credit under this subsection.

25 **SECTION 7.** 71.30 (3) (dr) of the statutes is created to read:

1 71.30 (3) (dr) Insulating concrete forms credit under s. 71.28 (9g).

2 **SECTION 8.** 71.34 (1k) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
3 is amended to read:

4 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
5 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),
6 (3), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (4), (5), (5e), (5f), (5g), (5h),
7 (5i), (5j), (5k), (5r), (5rm), (6n), ~~and (8r)~~, and (9g) and passed through to shareholders.

8 **SECTION 9.** 71.45 (2) (a) 10. of the statutes is amended to read:

9 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
10 computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn),
11 (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8r), (9g), and (9s) and not
12 passed through by a partnership, limited liability company, or tax-option
13 corporation that has added that amount to the partnership's, limited liability
14 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and
15 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

16 **SECTION 10.** 71.47 (9g) of the statutes is created to read:

17 71.47 (9g) INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
18 subsection:

19 1. "Claimant" means a person who files a claim under this subsection.

20 2. "Insulating concrete form" means a hollow expandable polystyrene form
21 system that is filled with concrete and includes the concrete used to fill the form.

22 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
23 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
24 amount of the taxes, an amount equal to the amount that the claimant paid in the
25 taxable year to purchase for use in this state, or to manufacture in this state,

1 insulating concrete forms used to construct the foundation walls, frost walls, or
2 insulated interior or exterior walls of any building.

3 (c) *Limitations.* 1. No person may claim a credit under this subsection for any
4 item for which the person has received a rebate under any state program, including
5 a state program operated in conjunction with private entities.

6 2. Partnerships, limited liability companies, and tax-option corporations may
7 not claim the credit under this subsection, but the eligibility for, and the amount of,
8 the credit are based on their payment of the amount described under par. (b). A
9 partnership, limited liability company, or tax-option corporation shall compute the
10 amount of credit that each of its partners, members, or shareholders may claim and
11 shall provide that information to each of them. Partners, members of limited liability
12 companies, and shareholders of tax-option corporations may claim the credit in
13 proportion to their ownership interests.

14 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
15 s. 71.28 (4), applies to the credit under this subsection.

16 **SECTION 11.** 71.49 (1) (dr) of the statutes is created to read:

17 71.49 (1) (dr) Insulating concrete forms credit under s. 71.47 (9g).

18 **SECTION 12. Initial applicability.**

19 (1) This act first applies to taxable years beginning on January 1, 2014.

20

(END)

Barman, Mike

From: Moench, Lucas
Sent: Wednesday, September 11, 2013 8:07 AM
To: LRB.Legal
Subject: Draft Review: LRB -2912/1 Topic: Insulating concrete forms credit

Please Jacket LRB -2912/1 for the SENATE.