



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3821/1  
MES&MED:klm&kjf

## 2015 SENATE BILL 529

January 8, 2016 – Introduced by Senator GUDEX, cosponsored by Representatives OHNSTAD and PETRYK. Referred to Committee on Revenue, Financial Institutions, and Rural Issues.

1     **AN ACT to amend** 71.08 (1) (intro.) and 71.10 (4) (i); and **to create** 20.835 (2) (cb),  
2             71.07 (8m) and 227.01 (13) (Ls) of the statutes; **relating to:** creating a  
3             refundable income tax credit for certain individuals who are making student  
4             loan payments and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill creates a refundable individual income tax credit for student loan payments made by certain graduates of regionally accredited, nonprofit, post-secondary institutions.

Under the bill, an individual who graduates with a degree in a high-demand field, as determined by the Department of Workforce Development, and works full-time in this state may claim a credit. The allowable credit amount is equal to 25 percent of the student loan payments the claimant makes to a lender in the year to which the claim relates. If the claimant owns a home in this state, the claimant may claim a credit amount that is equal to 35 percent of such student loan payments.

A claimant may claim the credit for no more than five years, which need not be consecutive, and the credit is not available to nonresidents or part-year residents of this state. The maximum credit that may be claimed by a claimant is \$2,000 each taxable year. Because the credit is refundable, if the allowable amount of credit exceeds the claimant's tax liability, the difference is refunded to the claimant by check.

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

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

1           **SECTION 1.** 20.835 (2) (cb) of the statutes is created to read:

2           20.835 (2) (cb) *Post–secondary school high–demand degree tax credit.* A sum  
3 sufficient to pay the claims approved under s. 71.07 (8m).

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

5           71.07 (8m) POST-SECONDARY SCHOOL HIGH-DEMAND DEGREE TAX CREDIT. (a)

6 *Definitions.* In this subsection:

7           1. “Claimant” means an individual who claims a a credit under this subsection.

8           2. “Eligible institution” means a regionally accredited, nonprofit,  
9 post–secondary educational institution.

10           3. “Full–time work” has the meaning given by the department of workforce  
11 development under par. (e).

12           4. “High–demand field” has the meaning given by the department of workforce  
13 development under par. (e).

14           5. “Home” means land in this state that a claimant owns and that consists of  
15 the claimant’s dwelling and the area surrounding it, not exceeding one acre, that is  
16 reasonably necessary for use of the dwelling as a residence, and may consist of a part  
17 of a multidwelling or multipurpose building and a part of the land upon which it is  
18 built.

19           6. “Lender” means any person to whom a student loan is repayable, including  
20 an agency, subdivision, or agent of the federal or state government, with respect to  
21 a student loan made under a federal or state student loan program.

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1           7. “Student loan” means a loan made to a claimant, the proceeds of which were  
2           used to pay for tuition, fees, books, room and board, and educational supplies that  
3           were directly related to the claimant’s attendance at an eligible institution.

4           (b) *Filing claims.* Subject to the limitations and other provisions provided in  
5           this subsection, a claimant may claim as a credit against the tax imposed under s.  
6           71.02 or 71.08 one of the following amounts in the year to which the claim relates,  
7           and if the allowable amount of the claim exceeds the income taxes otherwise due on  
8           the claimant’s income, the amount of the claim not used as an offset against those  
9           taxes shall be certified by the department of revenue to the department of  
10          administration for payment to the claimant by check, share draft, or other draft  
11          drawn from the appropriation account under s. 20.835 (2) (cb). The amount which  
12          a claimant may claim under this subsection is one of the following:

13           1. If the claimant does not own a home, an amount equal to 25 percent of the  
14          student loan payments the claimant makes to a lender in the year to which the claim  
15          relates.

16           2. If the claimant owns a home, an amount equal to 35 percent of the student  
17          loan payments the claimant makes to a lender in the year to which the claim relates.

18           (c) *Limitations, provisions.* 1. An individual may not claim the credit under  
19          this subsection unless the individual engages in full-time work in this state in the  
20          year to which the claim relates.

21           2. An individual may not claim the credit under this subsection unless the  
22          individual has been awarded a degree in a high-demand field from an eligible  
23          institution.

24           3. No credit may be claimed under this subsection by a part-year resident or  
25          a nonresident of this state.

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1           4. A claimant may claim the credit under this subsection for no more than 5  
2 taxable years, which need not be consecutive.

3           5. With regard to a taxable year for which an individual is eligible to claim the  
4 credit under this subsection, a claimant may only claim the credit within the time  
5 period specified under s. 71.75 (2).

6           6. No credit may be allowed under this subsection for a taxable year covering  
7 a period of less than 12 months, except for a taxable year closed by reason of the death  
8 of the taxpayer.

9           7. The maximum credit that a claimant may claim under this subsection in a  
10 taxable year is \$2,000.

11           (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit  
12 under that subsection, applies to the credit under this subsection.

13           (e) *Duties of department of workforce development.* For purposes of this  
14 subsection, the department of workforce development shall determine what  
15 constitutes a high-demand field in this state and what constitutes full-time work.  
16 The department shall publish its determinations on its Internet site.

17           **SECTION 3.** 71.08 (1) (intro.) of the statutes, as affected by 2015 Wisconsin Act  
18 55, is amended to read:

19           71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
20 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under  
21 ss. 71.07 (1), (2dx), (2dy), (3m), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (3y),  
22 (4k), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (5n), (6), (6e), (8m), (8r), (9e), (9m), and (9r),  
23 71.28 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), and (3y), 71.47 (1dx), (1dy), (2m), (3), (3n),  
24 (3t), (3w), and (3y), 71.57 to 71.61, and 71.613 and subch. VIII and payments to other  
25 states under s. 71.07 (7), is less than the tax under this section, there is imposed on

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1 that natural person, married couple filing jointly, trust or estate, instead of the tax  
2 under s. 71.02, an alternative minimum tax computed as follows:

3 **SECTION 4.** 71.10 (4) (i) of the statutes, as affected by 2015 Wisconsin Act 55,  
4 is amended to read:

5 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland  
6 preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and  
7 beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief  
8 credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s.  
9 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment  
10 credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s.  
11 71.07 (3rm), food processing plant and food warehouse investment credit under s.  
12 71.07 (3rn), business development credit under s. 71.07 (3y), film production services  
13 credit under s. 71.07 (5f), film production company investment credit under s. 71.07  
14 (5h), veterans and surviving spouses property tax credit under s. 71.07 (6e),  
15 enterprise zone jobs credit under s. 71.07 (3w), post-secondary school high-demand  
16 degree tax credit under s. 71.07 (8m), beginning farmer and farm asset owner tax  
17 credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e), estimated tax  
18 payments under s. 71.09, and taxes withheld under subch. X.

19 **SECTION 5.** 227.01 (13) (Ls) of the statutes is created to read:

20 227.01 (13) (Ls) Determines what constitutes high-demand fields in this state  
21 and full-time work for purposes of s. 71.07 (8m) (e).

22 **SECTION 6. Initial applicability.**

23 (1) This act first applies to taxable years beginning on January 1 of the year  
24 in which this subsection takes effect, except that if this subsection takes effect after

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1 July 31, this act first applies to taxable years beginning on January 1 of the year  
2 following the year in which this subsection takes effect.

3 (END)