



State of Wisconsin
2025 - 2026 LEGISLATURE

LRBs0342/1
MDE/EHS/EKL:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 619**

February 3, 2026 - Offered by Representative GREEN.

1 **AN ACT** *to amend* 238.399 (4) (a) and 238.399 (6) (e); *to create* 238.399 (1) (ab),
2 238.399 (1) (ae), 238.399 (4) (am), 238.399 (5) (g) and 238.399 (6) (em) of the
3 statutes; **relating to:** allowing an aviation biofuel business to claim the
4 enterprise zone tax credit.

Analysis by the Legislative Reference Bureau

Under this bill, the Wisconsin Economic Development Corporation is authorized to certify to claim income and franchise tax credits under the enterprise zone tax credit program no more than one business that manufactures biofuel in this state, a majority of which is aviation biofuel (aviation biofuel business). In the bill, as the term relates to the enterprise zone tax credit, “biofuel” means fuel created by converting organic matter derived from wood, at least 80 percent of which, as measured by aggregate volume over a five-year period, has been sourced in this state. To be eligible for the credit, the aviation biofuel business must provide certain information to the corporation to demonstrate economic due diligence. The total amount of tax credits an aviation biofuel business may claim under the bill is \$120,000,000, and an enterprise zone that has an aviation biofuel business

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operating in it may remain in effect for no more than 20 years. Under current law, enterprise zones may remain in effect for no more than 12 years.

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

1 **SECTION 1.** 238.399 (1) (ab) of the statutes is created to read:

2 238.399 (1) (ab) “Aviation biofuel” means biofuel used as aviation fuel.

3 **SECTION 2.** 238.399 (1) (ae) of the statutes is created to read:

4 238.399 (1) (ae) “Biofuel” means fuel created by converting organic matter
5 derived from wood, at least 80 percent of which, as measured by aggregate volume
6 over a 5-year period, has been sourced in this state.

7 **SECTION 3.** 238.399 (4) (a) of the statutes is amended to read:

8 238.399 (4) (a) ~~A~~ Except as provided in par. (am), a designation under sub. (3)
9 may remain in effect for no more than 12 years.

10 **SECTION 4.** 238.399 (4) (am) of the statutes is created to read:

11 238.399 (4) (am) A designation under sub. (3) that has a business certified
12 under sub. (5) (g) operating in it may remain in effect for no more than 20 years.

13 **SECTION 5.** 238.399 (5) (g) of the statutes is created to read:

14 238.399 (5) (g) For taxable years beginning after December 31, 2025, no more
15 than one business that manufactures biofuel in this state, a majority of which is
16 aviation biofuel, and that provides to the corporation all of the following to
17 demonstrate economic due diligence:

18 1. A comprehensive feasibility study, conducted by a 3rd party, describing the
19 conversion technology and processes to be deployed, including supporting

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1 performance data, and evaluating feedstock availability, cost competitiveness, and
2 job creation.

3 2. A business plan outlining key capital and operating costs, target markets,
4 financial projections, and identified or prospective agreements to purchase biofuel
5 manufactured by the business. The business plan under this subdivision shall
6 include all of the following:

7 a. Signed letters of intent from businesses in the timber industry and other
8 critical supply industries to provide necessary supplies for manufacturing biofuel.

9 b. Signed letters of intent from purchasers of biofuel to purchase biofuel in an
10 amount sufficient to meet any sales threshold identified by the business plan.

11 c. A signed letter from a financing entity committing to provide the amount
12 needed to complete the proposed capital and other operating costs and proof of
13 equity raised and on deposit as required by the financing entity.

14 **SECTION 6.** 238.399 (6) (e) of the statutes is amended to read:

15 238.399 (6) (e) ~~The Except as provided in par. (em), the~~ corporation shall
16 determine the maximum amount of the tax credits under ss. 71.07 (3w), 71.28 (3w),
17 and 71.47 (3w) that a certified business may claim and shall notify the department
18 of revenue of this amount.

19 **SECTION 7.** 238.399 (6) (em) of the statutes is created to read:

20 238.399 (6) (em) The total amount in tax benefits that a business certified
21 under sub. (5) (g) may claim under this section may not exceed \$120,000,000.

22 (END)