



State of Wisconsin  
2013 - 2014 LEGISLATURE

January 2014 Special Session



LRBa1521/1  
JK:eev:jm

**ASSEMBLY AMENDMENT 2,  
TO 2013 ASSEMBLY BILL 1**

February 5, 2014 – Offered by Representative KOOYENGA.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 13, line 14: after that line insert:

3           “**SECTION 36d.** 71.26 (4) (a) of the statutes is amended to read:

4           71.26 (4) (a) Except as provided in par. (b), a corporation, except a tax-option  
5           corporation or an insurer to which s. 71.45 (4) applies, may offset against its  
6           Wisconsin net business income any Wisconsin net business loss sustained in any of  
7           the next ~~15~~ 20 preceding taxable years, if the corporation was subject to taxation  
8           under this chapter in the taxable year in which the loss was sustained, to the extent  
9           not offset by other items of Wisconsin income in the loss year and by Wisconsin net  
10          business income of any year between the loss year and the taxable year for which an  
11          offset is claimed. For purposes of this subsection Wisconsin net business income or  
12          loss shall consist of all the income attributable to the operation of a trade or business  
13          in this state, less the business expenses allowed as deductions in computing net

1 income. The Wisconsin net business income or loss of corporations engaged in  
2 business within and without the state shall be determined under s. 71.25 (6) and (10)  
3 to (12). Nonapportionable losses having a Wisconsin situs under s. 71.25 (5) (b) shall  
4 be included in Wisconsin net business loss; and nonapportionable income having a  
5 Wisconsin situs under s. 71.25 (5) (b), whether taxable or exempt, shall be included  
6 in other items of Wisconsin income and Wisconsin net business income for purposes  
7 of this subsection.”.

8 **2.** Page 13, line 25: after that line insert:

9 **“SECTION 38d.** 71.45 (4) (a) of the statutes is amended to read:

10 71.45 (4) (a) Except as provided in par. (b), insurers computing tax under this  
11 subchapter may subtract from Wisconsin net income any Wisconsin net business loss  
12 sustained in any of the next ~~15~~ 20 preceding taxable years to the extent not offset by  
13 Wisconsin net business income of any year between the loss year and the taxable year  
14 for which an offset is claimed and computed without regard to sub. (2) (a) 8. and 9.  
15 and this subsection and limited to the amount of net income, but no loss incurred for  
16 a taxable year before taxable year 1987 by a nonprofit service plan of sickness care  
17 under ch. 148, or dental care under s. 447.13 may be treated as a net business loss  
18 of the successor service insurer under ch. 613 operating by virtue of s. 148.03 or  
19 447.13.”.

20 **3.** Page 16, line 2: after that line insert:

21 **“SECTION 41d.** 71.98 (3) of the statutes, as created by 2013 Wisconsin Act 20,  
22 is amended to read:

23 71.98 (3) DEPRECIATION, DEPLETION, AND AMORTIZATION. For taxable years  
24 beginning after December 31, 2013, and for purposes of computing depreciation,

