



State of Wisconsin
2013 - 2014 LEGISLATURE

January 2014 Special Session



LRBa1894/1
JK&RAC:eev;jm

**SENATE AMENDMENT 1,
TO 2013 SENATE BILL 1**

February 20, 2014 – Offered by JOINT COMMITTEE ON FINANCE.

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,

1 depletion, and amortization, the Internal Revenue Code means the federal Internal
2 Revenue Code in effect on January 1, 2014. For taxable years beginning after
3 December 31, 2013, and for purposes of computing depletion, the Internal Revenue
4 code means the federal Internal Revenue code in effect for the year in which the
5 property is placed in service.”.

6 **4.** Page 17, line 22: after “CARRY-BACKS.” insert:

7 “(a)”.

8 **5.** Page 17, line 22: delete “treatment of section 71.52 (6) of the statutes, the”.

9 **6.** Page 17, line 23: delete “statutes,” and substitute “statutes”.

10 **7.** Page 17, line 24: after that line insert:

11 “(am) The treatment of section 71.52 (6) of the statutes first applies
12 retroactively to taxable years beginning on January 1, 2012.”.

13 **8.** Page 18, line 6: after that line insert:

14 “(5m) NET OPERATING LOSSES; DEPLETION. The treatment of sections 71.26 (4) (a),
15 71.45 (4) (a), and 71.98 (3) of the statutes first applies to taxable years beginning on
16 January 1, 2014.”.

17 **9.** Page 18, line 17: after that line insert:

18 “(3d) CARRY-BACKS. The treatment of section 71.52 (6) of the statutes takes
19 effect retroactively to January 1, 2012.”.

20 **10.** Page 19, line 24: after that line insert:

21 “**SECTION 44m.** 2013 Wisconsin Act 20, section 9252 (1) (a) (intro.) is amended
22 to read:

1 [2013 Wisconsin Act 20] Section 9252 (1) (a) (intro.) Notwithstanding 2011
2 Wisconsin Act 32, section 9255 (1) (c) and (d), the secretary shall not lapse any money
3 from the agencies specified in those paragraphs during the 2013–15 fiscal biennium,
4 but shall instead lapse to the general fund from the unencumbered balances of
5 general purpose revenue and program revenue appropriations to the following
6 executive branch state agencies, other than sum sufficient appropriations and
7 appropriations of federal revenues, the following amounts in each fiscal year of the
8 ~~2013–15 fiscal biennium~~ the 2013–14, 2014–15, and 2015–16 fiscal years:”.

9 **11.** Page 20, line 4: after that line insert:

10 **“SECTION 9201. Fiscal changes; Administration.**

11 (1m) TRANSFERS TO THE BUDGET STABILIZATION FUND. Notwithstanding section
12 16.518 (3) of the statutes, no amounts shall be transferred from the general fund to
13 the budget stabilization fund during the 2013–15 fiscal biennium.”.

14 (END)