



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 749

**Assembly Amendments 1, 3, 4
and 5**

Memo published: April 16, 2010

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Assembly Bill 749 creates an income and franchise tax credit in an amount equal to 10% of the amount the claimant paid in the taxable year for equipment that is used exclusively to harvest or process woody biomass that is used as fuel or as a component of fuel. The bill defines “used exclusively” to mean used to the exclusion of all other uses except for use not exceeding five percent of total use. The credit would be available for taxable years beginning after December 31, 2008 and before January 1, 2015. Under the bill, the total amount of woody biomass harvesting and processing credits allocated to taxpayers in any fiscal year may not exceed \$900,000.

Assembly Amendment 1 provides that the tax credit would be available for taxable years beginning after December 31, 2009 and before January 1, 2016, in an amount equal to 10 percent of the amount the claimant paid in the taxable year for equipment that is used primarily to harvest or process woody biomass that is used as fuel or as a component of fuel. The bill defines “used primarily” to mean used to the exclusion of all other uses except for use not exceeding 25% of total use.

Assembly Amendment 3 provides that the required general fund balance under s. 20.003 (4), Stats., does not apply to this bill.

Assembly Amendment 4 provides that, in each fiscal year, the Department of Commerce must allocate \$450,000 of the \$900,000 allocation for the tax credit to businesses that, individually, have no more than \$3,000,000 in gross receipts from doing business in this state for the taxable year in which the credit is claimed.

Assembly Amendment 5 provides that, in each fiscal year, the Department of Commerce must allocate \$450,000 of the \$900,000 allocation for the tax credit to businesses that, individually, have no more than \$5,000,000 in gross receipts from doing business in this state for the taxable year in which the credit is claimed.

The provisions of Assembly Amendment 4 and Assembly Amendment 5 conflict. If the Senate concurs in both Assembly Amendment 4 and Assembly Amendment 5, the Legislative Reference Bureau, in accordance with the rules of statutory construction, would only give effect to Assembly Amendment 5 when enrolling the bill.

Legislative History

On April 13, 2010, the Assembly adopted Assembly Amendments 1, 3, 4, and 5 on voice votes and passed the bill, as amended, on a vote of Ayes, 97; Noes, 1.

REL:jal