



2023 ASSEMBLY BILL 402

September 6, 2023 – Introduced by Representatives VINING, J. ANDERSON, EMERSON, ANDRACA, BARE, BEHNKE, CABRERA, CLANCY, CONLEY, CONSIDINE, DRAKE, GOYKE, HONG, JACOBSON, JOERS, MADISON, MOORE OMOKUNDE, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHANKLAND, SHELTON, SINICKI, STUBBS and SUBECK, cosponsored by Senators AGARD, SMITH, CARPENTER, HESSELBEIN, LARSON, SPREITZER and TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT to amend** 71.05 (6) (a) 15., 71.10 (4) (i), 71.21 (4) (a), 71.26 (2) (a) 4., 71.30
2 (3) (f), 71.34 (1k) (g), 71.45 (2) (a) 10. and 71.49 (1) (f); and **to create** 20.835 (2)
3 (de), 71.07 (8m), 71.28 (8m), 71.47 (8m) and 101.129 of the statutes; **relating**
4 **to:** requiring universal changing stations in certain buildings, creating a tax
5 credit for installation of the stations, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires that certain buildings include at least one single-occupant restroom with a “universal changing station,” which the bill defines as a floor-mounted or wall-mounted, powered, and height-adjustable adult changing table with a safety rail that can be used for personal hygiene by an individual with a disability of either sex and the individual’s care provider. The bill specifies other requirements that a universal changing station must satisfy, including requirements regarding size, maneuverability space, weight load, adjustability, and signage.

The bill applies to certain buildings that are subject to the state’s commercial building code, which is administered by the Department of Safety and Professional Services. Specifically, the building must be one of the following: a place of exhibition or entertainment; a shopping center, shopping mall, or store of at least 40,000 square feet; a place of public display or collection, including a museum, library, or gallery; a place of recreation, including a building at a park, zoo, or amusement park; a place of education, including an elementary, secondary, undergraduate, or postgraduate

ASSEMBLY BILL 402

private or public school; a social service center, including a senior center or homeless shelter; a state or local government building, including a building at a rest area; a public transportation station; or a professional office of a health care provider, hospital, or rehabilitation center.

The bill's applicability also depends on whether a building is a "high-capacity building," which the bill defines as a building with the capacity to serve more than 3,000 persons per day. The bill requires any high-capacity building for which construction begins on or after July 1, 2024, to include at least one single-occupant restroom with a universal changing station. For any other high-capacity building, the building must have at least one single-occupant restroom with a universal changing station only if the building owner applies for a building permit for a project that satisfies each of the following: 1) the project alters, renovates, or makes an addition to the building; 2) the project has an estimated cost of \$15,000 or more; and 3) the project does not involve solely a parking garage.

For a building that is not a high-capacity building, the bill's applicability depends on whether the building includes at least one single-occupant restroom before July 1, 2024. If so, the building must include at least one single-occupant restroom with a universal changing station if, on or after that date, the building owner applies for a building permit for a project described above. If a building does not include at least one single-occupant restroom before that date, and such a restroom is added to the building on or after that date, the building must include one single-occupant restroom with a universal changing station when the restroom is added.

The bill also creates an income and franchise tax credit for small businesses that install universal changing stations. The credit applies for taxable years beginning after December 31, 2022. Under the bill, a small business is any entity that, during the preceding taxable year, either had gross receipts of no more than \$1,000,000 or employed no more than 30 full-time employees. The credit is equal to 50 percent of the amount the small business paid to install the universal changing station, up to a maximum credit of \$5,125. The credit may be claimed only if the universal changing station meets the requirements described above relating to such issues as size and weight load and the credit is refundable, which means that if the credit exceeds a claimant's tax liability, the claimant will receive the difference as a refund.

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

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

- 1 **SECTION 1.** 20.835 (2) (de) of the statutes is created to read:
- 2 20.835 (2) (de) *Universal changing station credit.* A sum sufficient to make the
- 3 payments under ss. 71.07 (8m) (d) 2., 71.28 (8m) (d) 2., and 71.47 (8m) (d) 2.

ASSEMBLY BILL 402

1 **SECTION 2.** 71.05 (6) (a) 15. of the statutes is amended to read:

2 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dm),
3 (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5i), (5j),
4 (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited
5 liability company, or tax-option corporation that has added that amount to the
6 partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or
7 71.34 (1k) (g).

8 **SECTION 3.** 71.07 (8m) of the statutes is created to read:

9 71.07 **(8m)** UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this
10 subsection:

11 1. "Claimant" means a sole proprietor, a partner of a partnership, a member
12 of a limited liability company, or a shareholder of a tax-option corporation who files
13 a claim under this subsection and meets either of the following conditions during the
14 preceding taxable year:

15 a. Had gross receipts that did not exceed \$1,000,000.

16 b. Employed no more than 30 full-time employees.

17 2. "Full-time employee" means an individual who is employed for at least 30
18 hours per week for 20 or more calendar weeks during a taxable year.

19 3. "Universal changing station" has the meaning given in s. 101.129 (1) (f).

20 (b) *Filing claims.* For taxable years beginning after December 31, 2022, subject
21 to the limitations provided in this subsection, a claimant may claim as a credit
22 against the tax imposed under s. 71.02, up to the amount of those taxes, an amount
23 equal to 50 percent of the amount the claimant paid during the taxable year to install
24 a universal changing station.

ASSEMBLY BILL 402**SECTION 3**

1 (c) *Limitations.* 1. No credit may be claimed under this subsection unless the
2 universal changing station meets the requirements of s. 101.129 (3).

3 2. The credit claimed under this subsection may not exceed \$5,125.

4 3. Partnerships, limited liability companies, and tax-option corporations may
5 not claim the credit under this subsection, but the eligibility for, and the amount of,
6 the credit are based on the amounts paid by the entity. A partnership, limited
7 liability company, or tax-option corporation shall compute the amount of credit that
8 each of its partners, members, or shareholders may claim and shall provide that
9 information to each of them. Partners, members, and shareholders may claim the
10 credit in proportion to their ownership interests.

11 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
12 credit under s. 71.28 (4), applies to the credit under this subsection.

13 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
14 due under this chapter or no tax is due under this chapter, the amount of the claim
15 not used to offset the tax due shall be certified by the department of revenue to the
16 department of administration for payment by check, share draft, or other draft
17 drawn from the appropriation account under s. 20.835 (2) (de).

18 **SECTION 4.** 71.10 (4) (i) of the statutes is amended to read:

19 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
20 preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and
21 beyond under s. 71.613, homestead credit under subch. VIII, jobs tax credit under s.
22 71.07 (3q), business development credit under s. 71.07 (3y), research credit under s.
23 71.07 (4k) (e) 2. a., veterans and surviving spouses property tax credit under s. 71.07
24 (6e), enterprise zone jobs credit under s. 71.07 (3w), electronics and information
25 technology manufacturing zone credit under s. 71.07 (3wm), universal changing

ASSEMBLY BILL 402

1 station credit under s. 71.07 (8m), earned income tax credit under s. 71.07 (9e),
2 estimated tax payments under s. 71.09, and taxes withheld under subch. X.

3 **SECTION 5.** 71.21 (4) (a) of the statutes is amended to read:

4 71.21 (4) (a) The amount of the credits computed by a partnership under s.
5 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n),
6 (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and passed through to
7 partners shall be added to the partnership's income.

8 **SECTION 6.** 71.26 (2) (a) 4. of the statutes is amended to read:

9 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dm),
10 (1dx), (1dy), (3g), (3h), (3n), (3q), (3t), (3w), (3wm), (3y), (5e), (5g), (5i), (5j), (5k), (5r),
11 (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability
12 company, or tax-option corporation that has added that amount to the partnership's,
13 limited liability company's, or tax-option corporation's income under s. 71.21 (4) or
14 71.34 (1k) (g).

15 **SECTION 7.** 71.28 (8m) of the statutes is created to read:

16 71.28 (8m) UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this
17 subsection:

18 1. "Claimant" means a person who files a claim under this subsection and meets
19 either of the following conditions during the preceding taxable year:

20 a. Had gross receipts that did not exceed \$1,000,000.

21 b. Employed no more than 30 full-time employees.

22 2. "Full-time employee" means an individual who is employed for at least 30
23 hours per week for 20 or more calendar weeks during a taxable year.

24 3. "Universal changing station" has the meaning given in s. 101.129 (1) (f).

ASSEMBLY BILL 402**SECTION 7**

1 (b) *Filing claims.* For taxable years beginning after December 31, 2022, subject
2 to the limitations provided in this subsection, a claimant may claim as a credit
3 against the tax imposed under s. 71.23, up to the amount of those taxes, an amount
4 equal to 50 percent of the amount the claimant paid during the taxable year to install
5 a universal changing station.

6 (c) *Limitations.* 1. No credit may be claimed under this subsection unless the
7 universal changing station meets the requirements of s. 101.129 (3).

8 2. The credit claimed under this subsection may not exceed \$5,125.

9 3. Partnerships, limited liability companies, and tax-option corporations may
10 not claim the credit under this subsection, but the eligibility for, and the amount of,
11 the credit are based on the amounts paid by the entity. A partnership, limited
12 liability company, or tax-option corporation shall compute the amount of credit that
13 each of its partners, members, or shareholders may claim and shall provide that
14 information to each of them. Partners, members, and shareholders may claim the
15 credit in proportion to their ownership interests.

16 (d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit
17 under sub. (4), applies to the credit under this subsection.

18 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
19 due under this chapter or no tax is due under this chapter, the amount of the claim
20 not used to offset the tax due shall be certified by the department of revenue to the
21 department of administration for payment by check, share draft, or other draft
22 drawn from the appropriation account under s. 20.835 (2) (de).

23 **SECTION 8.** 71.30 (3) (f) of the statutes is amended to read:

24 71.30 (3) (f) The total of farmland preservation credit under subch. IX, jobs
25 credit under s. 71.28 (3q), enterprise zone jobs credit under s. 71.28 (3w), electronics

ASSEMBLY BILL 402

1 and information technology manufacturing zone credit under s. 71.28 (3wm),
2 business development credit under s. 71.28 (3y), research credit under s. 71.28 (4) (k)
3 1., universal changing station credit under s. 71.28 (8m), and estimated tax
4 payments under s. 71.29.

5 **SECTION 9.** 71.34 (1k) (g) of the statutes is amended to read:

6 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
7 corporation under s. 71.28 (1dm), (1dx), (1dy), (3), (3g), (3h), (3n), (3q), (3t), (3w),
8 (3wm), (3y), (4), (5), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and
9 passed through to shareholders.

10 **SECTION 10.** 71.45 (2) (a) 10. of the statutes is amended to read:

11 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
12 computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), (3q), (3w), (3y), (5e), (5g), (5i),
13 (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership,
14 limited liability company, or tax-option corporation that has added that amount to
15 the partnership's, limited liability company's, or tax-option corporation's income
16 under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47
17 (3), (3t), (4), (4m), and (5).

18 **SECTION 11.** 71.47 (8m) of the statutes is created to read:

19 71.47 (8m) UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this
20 subsection:

21 1. "Claimant" means a person who files a claim under this subsection and meets
22 either of the following conditions during the preceding taxable year:

23 a. Had gross receipts that did not exceed \$1,000,000.

24 b. Employed no more than 30 full-time employees.

ASSEMBLY BILL 402

1 2. “Full-time employee” means an individual who is employed for at least 30
2 hours per week for 20 or more calendar weeks during a taxable year.

3 3. “Universal changing station” has the meaning given in s. 101.129 (1) (f).

4 (b) *Filing claims.* For taxable years beginning after December 31, 2022, subject
5 to the limitations provided in this subsection, a claimant may claim as a credit
6 against the tax imposed under s. 71.43, up to the amount of those taxes, an amount
7 equal to 50 percent of the amount the claimant paid during the taxable year to install
8 a universal changing station.

9 (c) *Limitations.* 1. No credit may be claimed under this subsection unless the
10 universal changing station meets the requirements of s. 101.129 (3).

11 2. The credit claimed under this subsection may not exceed \$5,125.

12 3. Partnerships, limited liability companies, and tax-option corporations may
13 not claim the credit under this subsection, but the eligibility for, and the amount of,
14 the credit are based on the amounts paid by the entity. A partnership, limited
15 liability company, or tax-option corporation shall compute the amount of credit that
16 each of its partners, members, or shareholders may claim and shall provide that
17 information to each of them. Partners, members, and shareholders may claim the
18 credit in proportion to their ownership interests.

19 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
20 credit under s. 71.28 (4), applies to the credit under this subsection.

21 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
22 due under this chapter or no tax is due under this chapter, the amount of the claim
23 not used to offset the tax due shall be certified by the department of revenue to the
24 department of administration for payment by check, share draft, or other draft
25 drawn from the appropriation account under s. 20.835 (2) (de).

ASSEMBLY BILL 402

1 **SECTION 12.** 71.49 (1) (f) of the statutes is amended to read:

2 71.49 (1) (f) The total of farmland preservation credit under subch. IX, jobs
3 credit under s. 71.47 (3q), enterprise zone jobs credit under s. 71.47 (3w), business
4 development credit under s. 71.47 (3y), research credit under s. 71.47 (4) (k) 1.,
5 universal changing station credit under s. 71.47 (8m), and estimated tax payments
6 under s. 71.48.

7 **SECTION 13.** 101.129 of the statutes is created to read:

8 **101.129 Universal changing stations. (1) DEFINITIONS.** In this section:

9 (a) “Building” means a public building that is any of the following:

- 10 1. A place of exhibition or entertainment, including a movie theater, theater,
11 concert hall, sports arena, or stadium.
- 12 2. A shopping center, shopping mall, or store of at least 40,000 square feet.
- 13 3. A place of public display or collection, including a museum, library, or gallery.
- 14 4. A place of recreation, including a building at a park, zoo, or amusement park.
- 15 5. A place of education, including an elementary, secondary, undergraduate, or
16 postgraduate private or public school.
- 17 6. A social service center, including a senior center or homeless shelter.
- 18 7. A state or local government building, including a building at a rest area.
- 19 8. A station used for public transportation, including an airport terminal,
20 depot, or bus station.
- 21 9. A professional office of a health care provider, hospital, or rehabilitation
22 center.
- 23 (b) “Existing high-capacity building” means a high-capacity building that is
24 not a new high-capacity building.

ASSEMBLY BILL 402**SECTION 13**

1 (c) “High-capacity building” means a building that has the capacity to serve
2 more than 3,000 persons per day.

3 (d) “New high-capacity building” means a high-capacity building on which
4 construction begins on or after July 1, 2024.

5 (e) “Project” means a project that alters, renovates, or makes an addition to a
6 building, has an estimated cost of \$15,000 or more, and does not involve solely a
7 parking garage.

8 (f) “Universal changing station” means a powered and height-adjustable adult
9 changing table that is either floor mounted or wall mounted with a safety rail and
10 that can be used by an individual with a disability of either sex and the individual’s
11 care provider for personal hygiene.

12 **(2) BUILDING REQUIREMENTS.** (a) *High-capacity buildings.* A new high-capacity
13 building shall include at least one single-occupant restroom with a universal
14 changing station. An existing high-capacity building shall include at least one
15 single-occupant restroom with a universal changing station if, on or after July 1,
16 2024, the owner of the building applies for a building permit for a project for the
17 building.

18 (b) *Other buildings.* A building that is not a high-capacity building shall
19 include at least one single-occupant restroom with a universal changing station if
20 one of the following occurs:

21 1. Before July 1, 2024, the building has at least one single-occupant restroom
22 and, on or after July 1, 2024, the owner of the building applies for a building permit
23 for a project for the building.

