

# State of Wisconsin



2019 Senate Bill 362

Date of enactment: **November 22, 2019**

Date of publication\*: **November 23, 2019**

## 2019 WISCONSIN ACT 54

AN ACT *to repeal* 20.835 (2) (bc), 20.835 (2) (bd), 20.835 (2) (be), 20.835 (2) (bL), 20.835 (2) (bm), 20.835 (2) (bn), 20.835 (2) (bp), 20.835 (2) (en), 20.855 (4) (co), 41.155, 71.07 (3p), 71.07 (3r), 71.07 (3rm), 71.07 (3rn), 71.07 (5f), 71.07 (5h), 71.07 (8r), 71.10 (7e) (c) 2., 71.28 (3p), 71.28 (3r), 71.28 (3rm), 71.28 (3rn), 71.28 (5f), 71.28 (5h), 71.28 (8r), 71.47 (3p), 71.47 (3r), 71.47 (3rm), 71.47 (3rn), 71.47 (5f), 71.47 (5h), 71.47 (8r), 93.53, 93.535, 93.54, 93.545 and 93.547; *to renumber* 71.10 (7e) (c) 1.; and *to amend* 71.05 (6) (a) 15., 71.05 (6) (b) 47. b., 71.08 (1) (intro.), 71.10 (4) (i), 71.21 (4) (a), 71.26 (2) (a) 4., 71.30 (3) (f), 71.34 (1k) (g), 71.45 (2) (a) 10. and 71.49 (1) (f) of the statutes; **relating to:** repealing obsolete refundable tax credits.

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

**SECTION 1.** 20.835 (2) (bc) of the statutes is repealed.

**SECTION 2.** 20.835 (2) (bd) of the statutes is repealed.

**SECTION 3.** 20.835 (2) (be) of the statutes is repealed.

**SECTION 4.** 20.835 (2) (bL) of the statutes is repealed.

**SECTION 5.** 20.835 (2) (bm) of the statutes is repealed.

**SECTION 6.** 20.835 (2) (bn) of the statutes is repealed.

**SECTION 7.** 20.835 (2) (bp) of the statutes is repealed.

**SECTION 8.** 20.835 (2) (en) of the statutes is repealed.

**SECTION 9.** 20.855 (4) (co) of the statutes is repealed.

**SECTION 10.** 41.155 of the statutes is repealed.

**SECTION 11.** 71.05 (6) (a) 15. of the statutes is amended to read:

71.05 (6) (a) 15. Except as provided under s. 71.07 (3p) (c) 5., the amount of the credits computed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), ~~(3p)~~, (3q), ~~(3r)~~, ~~(3rm)~~, ~~(3rn)~~, (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), ~~(5f)~~, ~~(5h)~~, (5i), (5j), (5k), (5r), (5rm), (6n), ~~(8r)~~, and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added

that amount to the partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

**SECTION 12.** 71.05 (6) (b) 47. b. of the statutes is amended to read:

71.05 (6) (b) 47. b. With respect to partners and members of limited liability companies, for taxable years beginning after December 31, 2010, and before January 1, 2014, for 2 consecutive taxable years beginning with the taxable year in which the partnership's or limited liability company's business locates to this state from another state or another country and begins doing business in this state, as defined in s. 71.22 (1r), and subject to the limitations provided under subd. 47. d., dm., and e., the partner's or member's distributive share of taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding non-taxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section 702 of the Internal Revenue

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

Code, except items that are not deductible under s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), ~~(3p)~~, (3q), ~~(3r)~~, ~~(3rm)~~, ~~(3rn)~~, (3s), (3t), (3w), (5e), ~~(5f)~~, (5g), ~~(5h)~~, (5i), (5j), (5k), (5r), and (5rm), ~~and (8r)~~; and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19), multiplied by the apportionment fraction determined in s. 71.04 (4) and subject to s. 71.04 (7) or by separate accounting. No amounts subtracted under this subd. 47. b. may be included in the modification under par. (b) 9. or 9m.

**SECTION 13.** 71.07 (3p) of the statutes is repealed.

**SECTION 14.** 71.07 (3r) of the statutes is repealed.

**SECTION 15.** 71.07 (3rm) of the statutes is repealed.

**SECTION 16.** 71.07 (3rn) of the statutes is repealed.

**SECTION 17.** 71.07 (5f) of the statutes is repealed.

**SECTION 18.** 71.07 (5h) of the statutes is repealed.

**SECTION 19.** 71.07 (8r) of the statutes is repealed.

**SECTION 20.** 71.08 (1) (intro.) of the statutes is amended to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust, or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dx), (2dy), (3m), (3n), ~~(3p)~~, (3q), ~~(3r)~~, ~~(3rm)~~, ~~(3rn)~~, (3s), (3t), (3w), (3wm), (3y), (4k), (5b), (5d), (5e), ~~(5f)~~, ~~(5h)~~, (5i), (5j), (5n), (6), (6e), (8b), ~~(8r)~~, (9e), (9m), and (9r), 71.28 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), (3wm), and (3y), 71.47 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), and (3y), 71.57 to 71.61, and 71.613 and subch. VIII and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

**SECTION 21.** 71.10 (4) (i) of the statutes is amended to read:

71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), ~~dairy manufacturing facility investment credit under s. 71.07 (3p)~~, jobs tax credit under s. 71.07 (3q), ~~meat processing facility investment credit under s. 71.07 (3r)~~, ~~woody biomass harvesting and processing credit under s. 71.07 (3rm)~~, ~~food processing plant and food warehouse investment credit under s. 71.07 (3rn)~~, business development credit under s. 71.07 (3y), research credit under s. 71.07 (4k) (e) 2. a., ~~film production services credit under s. 71.07 (5f)~~, ~~film production company investment credit under s. 71.07 (5h)~~, veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), electronics and information technology manufacturing zone credit under s. 71.07 (3wm),

~~beginning farmer and farm asset owner tax credit under s. 71.07 (8r)~~, earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

**SECTION 22.** 71.10 (7e) (c) 1. of the statutes is renumbered 71.10 (7e) (c).

**SECTION 23.** 71.10 (7e) (c) 2. of the statutes is repealed.

**SECTION 24.** 71.21 (4) (a) of the statutes is amended to read:

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

**SECTION 25.** 71.26 (2) (a) 4. of the statutes is amended to read:

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

**SECTION 26.** 71.28 (3p) of the statutes is repealed.

**SECTION 27.** 71.28 (3r) of the statutes is repealed.

**SECTION 28.** 71.28 (3rm) of the statutes is repealed.

**SECTION 29.** 71.28 (3rn) of the statutes is repealed.

**SECTION 30.** 71.28 (5f) of the statutes is repealed.

**SECTION 31.** 71.28 (5h) of the statutes is repealed.

**SECTION 32.** 71.28 (8r) of the statutes is repealed.

**SECTION 33.** 71.30 (3) (f) of the statutes is amended to read:

71.30 (3) (f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), ~~dairy manufacturing facility investment credit under s. 71.28 (3p)~~, jobs credit under s. 71.28 (3q), ~~meat processing facility investment credit under s. 71.28 (3r)~~, ~~woody biomass harvesting and processing credit under s. 71.28 (3rm)~~, ~~food processing plant and food warehouse investment credit under s. 71.28 (3rn)~~, enterprise zone jobs credit under s. 71.28 (3w), electronics and information technology manufacturing zone credit under s. 71.28 (3wm), business development credit under s. 71.28 (3y), research credit under s. 71.28 (4) (k) 1., ~~film production services credit under s. 71.28 (5f)~~, ~~film production company investment credit under s. 71.28 (5h)~~, ~~beginning farmer and farm asset owner tax credit under s. 71.28 (8r)~~, and estimated tax payments under s. 71.29.

**SECTION 34.** 71.34 (1k) (g) of the statutes is amended to read:

71.34 (1k) (g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28

(1dm), (1dx), (1dy), (3), (3g), (3h), (3n), ~~(3p)~~, (3q), ~~(3r)~~, ~~(3rm)~~, ~~(3rn)~~, (3t), (3w), (3wm), (3y), (4), (5), (5e), ~~(5f)~~, (5g), ~~(5h)~~, (5i), (5j), (5k), (5r), (5rm), (6n), ~~(8r)~~, and (10) and passed through to shareholders.

**SECTION 35.** 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 (2) (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), ~~(3p)~~, (3q), ~~(3r)~~, ~~(3rm)~~, ~~(3rn)~~, (3w), (3y), (5e), ~~(5f)~~, (5g), ~~(5h)~~, (5i), (5j), (5k), (5r), (5rm), (6n), ~~(8r)~~, (9s), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

**SECTION 36.** 71.47 (3p) of the statutes is repealed.

**SECTION 37.** 71.47 (3r) of the statutes is repealed.

**SECTION 38.** 71.47 (3rm) of the statutes is repealed.

**SECTION 39.** 71.47 (3rn) of the statutes is repealed.

**SECTION 40.** 71.47 (5f) of the statutes is repealed.

**SECTION 41.** 71.47 (5h) of the statutes is repealed.

**SECTION 42.** 71.47 (8r) of the statutes is repealed.

**SECTION 43.** 71.49 (1) (f) of the statutes is amended to read:

71.49 (1) (f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.47

(2m), ~~dairy manufacturing facility investment credit under s. 71.47 (3p)~~, jobs credit under s. 71.47 (3q), ~~meat processing facility investment credit under s. 71.47 (3r)~~, ~~woody biomass harvesting and processing credit under s. 71.47 (3rm)~~, ~~food processing plant and food warehouse investment credit under s. 71.47 (3rn)~~, enterprise zone jobs credit under s. 71.47 (3w), business development credit under s. 71.47 (3y), research credit under s. 71.47 (4) (k) 1., ~~film production services credit under s. 71.47 (5f)~~, ~~film production company investment credit under s. 71.47 (5h)~~, ~~beginning farmer and farm asset owner tax credit under s. 71.47 (8r)~~, and estimated tax payments under s. 71.48.

**SECTION 44.** 93.53 of the statutes is repealed.

**SECTION 45.** 93.535 of the statutes is repealed.

**SECTION 46.** 93.54 of the statutes is repealed.

**SECTION 47.** 93.545 of the statutes is repealed.

**SECTION 48.** 93.547 of the statutes is repealed.

**SECTION 49. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) **WOODY BIOMASS HARVESTING AND PROCESSING CREDIT.** The repeal of ss. 20.835 (2) (bc), 71.07 (3rm), 71.28 (3rm), 71.47 (3rm), and 93.547 and the amendment of ss. 71.05 (6) (a) 15. and (b) 47. b., 71.08 (1) (intro.), 71.10 (4) (i), 71.21 (4) (a), 71.26 (2) (a) 4., 71.30 (3) (f), 71.34 (1k) (g), 71.45 (2) (a) 10., and 71.49 (1) (f) (as they relate to the woody biomass harvesting and processing credit) take effect on July 1, 2020.