



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0098/1  
JK:nwn:rs

**ASSEMBLY AMENDMENT 39,  
TO 2009 SENATE BILL 62**

February 18, 2009 – Offered by Representative KLEEFISCH.

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

2 **1.** Page 56, line 24: after that line insert:

3 “SECTION 114d. 71.21 (3) of the statutes is amended to read:

4 71.21 (3) The credits under s. 71.28 (4), (4m), and (5) may not be claimed by a  
5 partnership or by partners, including partners of a publicly traded partnership.”

6 **2.** Page 81, line 5: after that line insert:

7 “SECTION 131d. 71.26 (2) (a) 2. of the statutes is amended to read:

8 71.26 (2) (a) 2. Plus the amount of credit computed under s. 71.28 (1), (3), (4),  
9 (4m), and (5).”

10 **3.** Page 81, line 25: after that line insert:

11 “SECTION 134d. 71.26 (3) (n) of the statutes is amended to read:

12 71.26 (3) (n) Sections 381, 382 and 383 (relating to carry-overs in certain  
13 corporate acquisitions) are modified so that they apply to losses under sub. (4) and

1 credits under s. 71.28 (1di), (1dL), (1dm), (1dx), (3), (4), (4m), and (5) instead of to  
2 federal credits and federal net operating losses.”.

3 **4.** Page 92, line 13: after that line insert:

4 “**SECTION 151d.** 71.28 (4m) of the statutes is created to read:

5 71.28 (**4m**) SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this  
6 subsection, “qualified research expenses” means qualified research expenses as  
7 defined in section 41 of the Internal Revenue Code, except that “qualified research  
8 expenses” includes only expenses incurred by the claimant for research conducted  
9 in this state for the taxable year and except that “qualified research expenses” do not  
10 include compensation used in computing the credits under subs. (1dj) and (1dx).

11 (b) *Credit.* Subject to the limitations provided under this subsection, for  
12 taxable years beginning on or after July 1, 2009, a corporation may claim as a credit  
13 against the tax imposed under s. 71.23, up to the amount of those taxes, an amount  
14 equal to the amount of qualified research expenses paid or incurred by the  
15 corporation in the taxable year that exceeds the amount calculated as follows:

16 1. Determine the average amount of the qualified research expenses paid or  
17 incurred by the corporation in the 3 taxable years immediately preceding the taxable  
18 year for which a credit is claimed under this subsection.

19 2. Multiply the amount determined under subd. 1. by 1.25.

20 (c) *Limitations.* Subsection (4) (b) to (d) and (i), as it applies to the credit under  
21 sub. (4), applies to the credit under this subsection.

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

1           2. If a credit computed under this subsection is not entirely offset against  
2 Wisconsin income or franchise taxes otherwise due, the unused balance may be  
3 carried forward and credited against Wisconsin income or franchise taxes otherwise  
4 due for the following 5 taxable years to the extent not offset by these taxes otherwise  
5 due in all intervening years between the year in which the expense was incurred and  
6 the year in which the carry-forward credit is claimed.”.

7           **5.** Page 94, line 17: after that line insert:

8           “**SECTION 158d.** 71.30 (3) (db) of the statutes is created to read:

9           71.30 (3) (db) Super research and development credit under s. 71.28 (4m).”.

10          **6.** Page 96, line 23: after that line insert:

11          “**SECTION 171d.** 71.365 (3) of the statutes is amended to read:

12          71.365 (3) CREDITS NOT ALLOWED. The credits under s. 71.28 (4), (4m), and (5)  
13 may not be claimed by a tax-option corporation or shareholders of a tax-option  
14 corporation.”.

15          **7.** Page 99, line 7: after “(4),” insert “(4m).”.

16          **8.** Page 110, line 11: after that line insert:

17          “**SECTION 195d.** 71.47 (4m) of the statutes is created to read:

18          71.47 (4m) SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this  
19 subsection, “qualified research expenses” means qualified research expenses as  
20 defined in section 41 of the Internal Revenue Code, except that “qualified research  
21 expenses” includes only expenses incurred by the claimant for research conducted  
22 in this state for the taxable year and except that “qualified research expenses” do not  
23 include compensation used in computing the credits under subs. (1dj) and (1dx).

1 (b) *Credit.* Subject to the limitations provided under this subsection, for  
2 taxable years beginning on or after January 1, 2009, a corporation may claim as a  
3 credit against the tax imposed under s. 71.43, up to the amount of those taxes, an  
4 amount equal to the amount of qualified research expenses paid or incurred by the  
5 corporation in the taxable year that exceeds the amount calculated as follows:

6 1. Determine the average amount of the qualified research expenses paid or  
7 incurred by the corporation in the 3 taxable years immediately preceding the taxable  
8 year for which a credit is claimed under this subsection.

9 2. Multiply the amount determined under subd. 1. by 1.25.

10 (c) *Limitations.* Section 71.28 (4) (b) to (d) and (i), as it applies to the credit  
11 under s. 71.28 (4), applies to the credit under this subsection.

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

14 2. If a credit computed under this subsection is not entirely offset against  
15 Wisconsin income or franchise taxes otherwise due, the unused balance may be  
16 carried forward and credited against Wisconsin income or franchise taxes otherwise  
17 due for the following 5 taxable years to the extent not offset by these taxes otherwise  
18 due in all intervening years between the year in which the expense was incurred and  
19 the year in which the carry-forward credit is claimed.”.

20 **9.** Page 111, line 5: after that line insert:

21 “**SECTION 200d.** 71.49 (1) (db) of the statutes is created to read:

22 71.49 (1) (db) Super research and development credit under s. 71.47 (4m).”.

23 (END)