



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 42,
TO 2009 SENATE BILL 62**

February 18, 2009 - Offered by Representatives FRISKE, MEYER, M. WILLIAMS,
SUDER, MURSAU and NYGREN.

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

2 **1.** Page 20, line 2: after that line insert:

3 “SECTION 16d. 20.835 (2) (ba) of the statutes is created to read:

4 20.835 (2) (ba) *Lumber manufacturing facility investment credit.* A sum
5 sufficient to make the payments under ss. 71.07 (3rm), 71.28 (3rm), and 71. 47
6 (3rm).”.

7 **2.** Page 44, line 2: after “(3r),” insert “(3rm),”.

8 **3.** Page 53, line 2: after that line insert:

9 “SECTION 100d. 71.07 (3rm) of the statutes is created to read:

10 71.07 (3rm) LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

11 *Definitions.* In this subsection:

12 1. “Claimant” means a person who files a claim under this subsection.

1 2. “Lumber manufacturing modernization or expansion” means constructing,
2 improving, or acquiring buildings or facilities, or acquiring equipment for lumber
3 manufacturing, if used exclusively for lumber manufacturing and if acquired and
4 placed in service in this state during taxable years that begin after December 31,
5 2008, and before January 1, 2015.

6 4. “Used exclusively” means used to the exclusion of all other uses except for
7 use not exceeding 5 percent of total use.

8 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
9 560.209, for taxable years beginning after December 31, 2008, and before January
10 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.02
11 or 71.08, up to the amount of the tax, an amount equal to 10 percent of the amount
12 the claimant paid in the taxable year for lumber manufacturing modernization or
13 expansion.

14 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
15 amount that the claimant paid for expenses described under par. (b) that the
16 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

17 2. The aggregate amount of credits that a claimant may claim under this
18 subsection is \$200,000.

19 3. a. The maximum amount of the credits that may be claimed under this
20 subsection and ss. 71.28 (3rm) and 71.47 (3rm) in fiscal year 2009–10 is \$700,000,
21 as allocated under s. 560.209.

22 b. The maximum amount of the credits that may be claimed under this
23 subsection and ss. 71.28 (3rm) and 71.47 (3rm) in fiscal year 2010–11, and in each
24 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.

1 4. Partnerships, limited liability companies, and tax-option corporations may
2 not claim the credit under this subsection, but the eligibility for, and the amount of,
3 the credit are based on their payment of expenses under par. (b), except that the
4 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
5 A partnership, limited liability company, or tax-option corporation shall compute
6 the amount of credit that each of its partners, members, or shareholders may claim
7 and shall provide that information to each of them. Partners, members of limited
8 liability companies, and shareholders of tax-option corporations may claim the
9 credit in proportion to their ownership interest.

10 5. If 2 or more persons own and operate the lumber manufacturing operation,
11 each person may claim a credit under par. (b) in proportion to his or her ownership
12 interest, except that the aggregate amount of the credits claimed by all persons who
13 own and operate the operation shall not exceed \$200,000.

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

16 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
17 due under s. 71.02 or 71.08, the amount of the claim not used to offset the tax due
18 shall be certified by the department of revenue to the department of administration
19 for payment by check, share draft, or other draft drawn from the appropriation
20 account under s. 20.835 (2) (ba).”.

21 **4.** Page 54, line 21: after “(3r),” insert “(3rm).”

22 **5.** Page 56, line 20: after “(3r),” insert “lumber manufacturing facility
investment credit under s. 71.07 (3rm).”

23 **6.** Page 57, line 2: after “(3r),” insert “(3rm).”

1 **7.** Page 81, line 8: after “(3r),” insert “(3rm)”.

2 **8.** Page 89, line 7: after that line insert:

3 “**SECTION 147d.** 71.28 (3rm) of the statutes is created to read:

4 71.28 **(3rm)** LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

5 *Definitions.* In this subsection:

6 1. “Claimant” means a person who files a claim under this subsection.

7 2. “Lumber manufacturing modernization or expansion” means constructing,
8 improving, or acquiring buildings or facilities, or acquiring equipment for lumber
9 manufacturing, if used exclusively for lumber manufacturing and if acquired and
10 placed in service in this state during taxable years that begin after December 31,
11 2008, and before January 1, 2015.

12 4. “Used exclusively” means used to the exclusion of all other uses except for
13 use not exceeding 5 percent of total use.

14 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
15 560.209, for taxable years beginning after December 31, 2008, and before January
16 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.23,
17 up to the amount of the tax, an amount equal to 10 percent of the amount the
18 claimant paid in the taxable year for lumber manufacturing modernization or
19 expansion.

20 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
21 amount that the claimant paid for expenses described under par. (b) that the
22 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

23 2. The aggregate amount of credits that a claimant may claim under this
24 subsection is \$200,000.

1 3. a. The maximum amount of the credits that may be claimed under this
2 subsection and ss. 71.07 (3rm) and 71.47 (3rm) in fiscal year 2009–10 is \$700,000,
3 as allocated under s. 560.209.

4 b. The maximum amount of the credits that may be claimed under this
5 subsection and ss. 71.07 (3rm) and 71.47 (3rm) in fiscal year 2010–11, and in each
6 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.

7 4. Partnerships, limited liability companies, and tax–option corporations may
8 not claim the credit under this subsection, but the eligibility for, and the amount of,
9 the credit are based on their payment of expenses under par. (b), except that the
10 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
11 A partnership, limited liability company, or tax–option corporation shall compute
12 the amount of credit that each of its partners, members, or shareholders may claim
13 and shall provide that information to each of them. Partners, members of limited
14 liability companies, and shareholders of tax–option corporations may claim the
15 credit in proportion to their ownership interest.

16 5. If 2 or more persons own and operate the lumber manufacturing operation,
17 each person may claim a credit under par. (b) in proportion to his or her ownership
18 interest, except that the aggregate amount of the credits claimed by all persons who
19 own and operate the operation shall not exceed \$200,000.

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

22 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
23 due under s. 71.23, the amount of the claim not used to offset the tax due shall be
24 certified by the department of revenue to the department of administration for

1 payment by check, share draft, or other draft drawn from the appropriation account
2 under s. 20.835 (2) (ba).”.

3 **9.** Page 95, line 4: after “(3r),” insert “lumber manufacturing facility
investment credit under s. 71.28 (3rm),”.”.

4 **10.** Page 96, line 9: after “(3r),” insert “(3rm).”.

5 **11.** Page 99, line 3: after “(3r),” insert “(3rm).”.

6 **12.** Page 107, line 2: after that line insert:

7 “SECTION 191d. 71.47 (3rm) of the statutes is created to read:

8 71.47 **(3rm)** LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

9 *Definitions.* In this subsection:

10 1. “Claimant” means a person who files a claim under this subsection.

11 2. “Lumber manufacturing modernization or expansion” means constructing,
12 improving, or acquiring buildings or facilities, or acquiring equipment for lumber
13 manufacturing, if used exclusively for lumber manufacturing and if acquired and
14 placed in service in this state during taxable years that begin after December 31,
15 2008, and before January 1, 2015.

16 4. “Used exclusively” means used to the exclusion of all other uses except for
17 use not exceeding 5 percent of total use.

18 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
19 560.209, for taxable years beginning after December 31, 2008, and before January
20 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.43,
21 up to the amount of the tax, an amount equal to 10 percent of the amount the
22 claimant paid in the taxable year for lumber manufacturing modernization or
23 expansion.

1 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
2 amount that the claimant paid for expenses described under par. (b) that the
3 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

4 2. The aggregate amount of credits that a claimant may claim under this
5 subsection is \$200,000.

6 3. a. The maximum amount of the credits that may be claimed under this
7 subsection and ss. 71.07 (3rm) and 71.28 (3rm) in fiscal year 2009–10 is \$700,000,
8 as allocated under s. 560.209.

9 b. The maximum amount of the credits that may be claimed under this
10 subsection and ss. 71.07 (3rm) and 71.28 (3rm) in fiscal year 2010–11, and in each
11 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.

12 4. 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 their payment of expenses under par. (b), except that the
15 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
16 A partnership, limited liability company, or tax–option corporation shall compute
17 the amount of credit that each of its partners, members, or shareholders may claim
18 and shall provide that information to each of them. Partners, members of limited
19 liability companies, and shareholders of tax–option corporations may claim the
20 credit in proportion to their ownership interest.

21 5. If 2 or more persons own and operate the lumber manufacturing operation,
22 each person may claim a credit under par. (b) in proportion to his or her ownership
23 interest, except that the aggregate amount of the credits claimed by all persons who
24 own and operate the operation shall not exceed \$200,000.

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

3 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
4 due under s. 71.43, the amount of the claim not used to offset the tax due shall be
5 certified by the department of revenue to the department of administration for
6 payment by check, share draft, or other draft drawn from the appropriation account
7 under s. 20.835 (2) (ba).”.

8 **13.** Page 111, line 17: after “(3r),” insert “lumber manufacturing facility
investment credit under s. 71.47 (3rm),”.

9 **14.** Page 240, line 9: after “(3r),” insert “(3rm),”.

10 **15.** Page 329, line 15: after that line insert:

11 “**SECTION 800d.** 560.209 of the statutes is created to read:

12 **560.209 Lumber manufacturing facility investment credit.** (1) The
13 department of commerce shall implement a program to certify taxpayers as eligible
14 for the lumber manufacturing facility investment credit under ss. 71.07 (3rm), 71.28
15 (3rm), and 71.47 (3rm).

16 (2) If the department of commerce certifies a taxpayer under sub. (1), the
17 department of commerce shall determine the amount of credits to allocate to that
18 taxpayer. The total amount of lumber manufacturing facility investment credits
19 allocated to taxpayers in fiscal year 2009–10 may not exceed \$700,000 and the total
20 amount of lumber manufacturing facility investment credits allocated to taxpayers
21 in fiscal year 2010–11, and in each fiscal year thereafter, may not exceed \$800,000.

