



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0499/1
KRP:klm

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 108**

May 8, 2017 - Offered by Representative KREMER.

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

2 **1.** Page 1, line 3: delete “a corporate” and substitute “an individual and
3 corporate”.

4 **2.** Page 1, line 5: before that line insert:

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

6 71.05 **(6)** (a) 15. Except as provided under s. 71.07 (3p) (c) 5., the amount of the
7 credits computed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
8 (3rm), (3rn), (3s), (3t), (3w), (3y), (4k), (4n), (5e), (5f), (5h), (5i), (5j), (5k), (5r), (5rm),
9 (6n), ~~and (8r)~~, and (10) and not passed through by a partnership, limited liability
10 company, or tax-option corporation that has added that amount to the partnership’s,
11 company’s, or tax-option corporation’s income under s. 71.21 (4) or 71.34 (1k) (g).

12 **SECTION 1d.** 71.07 (10) of the statutes is created to read:

1 71.07 **(10)** EMPLOYEE COLLEGE SAVINGS ACCOUNT CONTRIBUTION CREDIT. (a)

2 *Definitions.* In this subsection:

3 1. "Claimant" means an individual who files a claim under this subsection and
4 who is a partner of a partnership, member of a limited liability company, or
5 shareholder of a tax-option corporation that is an employer and that contributes to
6 an employee's college savings account under par. (b).

7 1m. "College savings account" means a college savings account, as described
8 in s. 16.641.

9 2. "Employee" has the meaning given in s. 71.63 (2).

10 3. "Employer" means an employer that is a partnership, as defined in s. 71.195,
11 or a tax-option corporation, as defined in s. 71.34 (2).

12 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
13 claimant may claim as a credit against the tax imposed under s. 71.02, up to the
14 amount of those taxes, for each employee of an employer, the claimant's
15 proportionate share, as computed under par. (c) 1., of an amount equal to the amount
16 the employer paid into a college savings account owned by the employee in the
17 taxable year in which the contribution is made.

18 (c) *Limitations.* 1. Partnerships, limited liability companies, and tax-option
19 corporations may not claim the credit under this subsection, but the eligibility for,
20 and the amount of, the credit are based on their payment of amounts under par. (b).
21 A partnership, limited liability company, or tax-option corporation shall compute
22 the amount of the credit that each of its partners, members, or shareholders may
23 claim and shall provide that information to each of them. Partners, members of
24 limited liability companies, and shareholders of tax-option corporations may claim
25 the credit in proportion to their ownership interests.

1 2. The maximum amount of the credit per employee that a claimant may claim
2 under this subsection is the claimant's proportionate share of an amount equal to 25
3 percent of the amount the employee's employer contributed to the employee's college
4 savings account up to a maximum contribution equal to 25 percent of the maximum
5 amount that an individual contributor may deduct under s. 71.05 (6) (b) 32. a. per
6 beneficiary.

7 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
8 s. 71.28 (4), applies to the credit under this subsection.

9 **SECTION 1h.** 71.10 (4) (e) of the statutes is created to read:

10 71.10 (4) (e) Employee college savings account contribution credit under s.
11 71.07 (10).

12 **SECTION 1p.** 71.21 (4) (a) of the statutes is amended to read:

13 71.21 (4) (a) The amount of the credits computed by a partnership under s.
14 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w),
15 (3y), (4k), (4n), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), ~~and (8r)~~, and (10)
16 and passed through to partners shall be added to the partnership's income.”.

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

18 “1m. “College savings account” means a college savings account, as described
19 in s. 16.641.”.

20 **4.** Page 2, line 12: delete the material beginning with “25” and ending with
21 “beneficiary” on line 19 and substitute “the amount the claimant paid into a college
22 savings account owned by the employee in the taxable year in which the contribution
23 is made”.

24 **5.** Page 2, line 20: before “Partnerships” insert “1.”.

1 **6.** Page 3, line 2: after that line insert:

2 “2. The maximum amount of the credit per employee that a claimant may claim
3 under this subsection is an amount equal to 25 percent of the amount the claimant
4 contributed to the employee’s college savings account up to a maximum contribution
5 equal to 25 percent of the maximum amount that an individual contributor may
6 deduct under s. 71.05 (6) (b) 32. a. per beneficiary.”.

7 **7.** Page 3, line 24: after that line insert:

8 “1m. “College savings account” means a college savings account, as described
9 in s. 16.641.”.

10 **8.** Page 4, line 3: delete the material beginning with “25” and ending with
11 “beneficiary” on line 10 and substitute “the amount the claimant paid into a college
12 savings account owned by the employee in the taxable year in which the contribution
13 is made”.

14 **9.** Page 4, line 11: before “Partnerships” insert “1.”.

15 **10.** Page 4, line 18: after that line insert:

16 “2. The maximum amount of the credit per employee that a claimant may claim
17 under this subsection is an amount equal to 25 percent of the amount the claimant
18 contributed to the employee’s college savings account up to a maximum contribution
19 equal to 25 percent of the maximum amount that an individual contributor may
20 deduct under s. 71.05 (6) (b) 32. a. per beneficiary.”.

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(END)