



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBa0048/1  
JK&MDE:amn

**SENATE AMENDMENT 1,  
TO SENATE BILL 40**

March 16, 2023 - Offered by Senator FEYEN.

1           At the locations indicated, amend the bill as follows:  
2           **1.** Page 2, line 1: delete lines 1 to 21 and substitute:  
3           “**SECTION 1b.** 71.07 (8b) (c) 2. of the statutes is amended to read:  
4           71.07 **(8b)** (c) 2. A partnership, limited liability company, or tax-option  
5           corporation may not claim the credit under this subsection. The partners of a  
6           partnership, members of a limited liability company, or shareholders in a tax-option  
7           corporation may claim the credit under this subsection based on eligible costs  
8           incurred by the partnership, limited liability company, or tax-option corporation.  
9           The partnership, limited liability company, or tax-option corporation shall calculate  
10          the amount of the credit that may be claimed by each partner, member, or  
11          shareholder and shall provide that information to the partner, member, or  
12          shareholder. For shareholders of a tax-option corporation, the credit may be  
13          allocated in proportion to the ownership interest of each shareholder. Credits

1 computed by a partnership or limited liability company may be claimed in proportion  
2 to the ownership interests of the partners or members or allocated to partners or  
3 members as provided in a written agreement among the partners or members that  
4 is entered into no later than the last day of the taxable year of the partnership or  
5 limited liability company, for which the credit is claimed. Any partner or member  
6 who claims the credit as allocated by a written agreement shall provide a copy of the  
7 agreement with the tax return on which the credit is claimed. ~~A Except as provided~~  
8 in s. 71.745, a person claiming the credit as provided under this subdivision is solely  
9 responsible for any tax liability arising from a dispute with the department of  
10 revenue related to claiming the credit.

11 **SECTION 1d.** 71.28 (8b) (c) 2. of the statutes is amended to read:

12 71.28 **(8b)** (c) 2. A partnership, limited liability company, or tax-option  
13 corporation may not claim the credit under this subsection. The partners of a  
14 partnership, members of a limited liability company, or shareholders in a tax-option  
15 corporation may claim the credit under this subsection based on eligible costs  
16 incurred by the partnership, limited liability company, or tax-option corporation.  
17 The partnership, limited liability company, or tax-option corporation shall calculate  
18 the amount of the credit that may be claimed by each partner, member, or  
19 shareholder and shall provide that information to the partner, member, or  
20 shareholder. For shareholders of a tax-option corporation, the credit may be  
21 allocated in proportion to the ownership interest of each shareholder. Credits  
22 computed by a partnership or limited liability company may be claimed in proportion  
23 to the ownership interests of the partners or members or allocated to partners or  
24 members as provided in a written agreement among the partners or members that  
25 is entered into no later than the last day of the taxable year of the partnership or

1 limited liability company, for which the credit is claimed. Any partner or member  
2 who claims the credit as allocated by a written agreement shall provide a copy of the  
3 agreement with the tax return on which the credit is claimed. ~~A~~ Except as provided  
4 in s. 71.745, a person claiming the credit as provided under this subdivision is solely  
5 responsible for any tax liability arising from a dispute with the department of  
6 revenue related to claiming the credit.

7 **SECTION 2d.** 71.47 (8b) (c) 2. of the statutes is amended to read:

8 71.47 **(8b)** (c) 2. A partnership, limited liability company, or tax-option  
9 corporation may not claim the credit under this subsection. The partners of a  
10 partnership, members of a limited liability company, or shareholders in a tax-option  
11 corporation may claim the credit under this subsection based on eligible costs  
12 incurred by the partnership, limited liability company, or tax-option corporation.  
13 The partnership, limited liability company, or tax-option corporation shall calculate  
14 the amount of the credit that may be claimed by each partner, member, or  
15 shareholder and shall provide that information to the partner, member, or  
16 shareholder. For shareholders of a tax-option corporation, the credit may be  
17 allocated in proportion to the ownership interest of each shareholder. Credits  
18 computed by a partnership or limited liability company may be claimed in proportion  
19 to the ownership interests of the partners or members or allocated to partners or  
20 members as provided in a written agreement among the partners or members that  
21 is entered into no later than the last day of the taxable year of the partnership or  
22 limited liability company, for which the credit is claimed. Any partner or member  
23 who claims the credit as allocated by a written agreement shall provide a copy of the  
24 agreement with the tax return on which the credit is claimed. ~~A~~ Except as provided  
25 in s. 71.745, a person claiming the credit as provided under this subdivision is solely

1 responsible for any tax liability arising from a dispute with the department of  
2 revenue related to claiming the credit.”.

3 **2.** Page 3, line 20: delete the material beginning with that line and ending with  
4 page 4, line 5.

5 (END)