

State of Misconsin 2021 - 2022 LEGISLATURE

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## 2021 SENATE BILL 785

December 17, 2021 – Introduced by Senators FEYEN, COWLES, DARLING, MARKLEIN and RINGHAND, cosponsored by Representatives KUGLITSCH, ZIMMERMAN, WITTKE, ARMSTRONG, DALLMAN, HORLACHER, MURPHY, MURSAU, NEYLON, NOVAK, ROZAR, SCHRAA, SKOWRONSKI, SNYDER, SPIROS and TUSLER. Referred to Committee on Financial Institutions and Revenue.

1 AN ACT to amend 238.15 (3) (e) of the statutes; relating to: transferring the

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angel investment tax credit.

### Analysis by the Legislative Reference Bureau

This bill allows the angel investment tax credit to be sold or otherwise transferred to another taxpayer.

Under current law, the angel investment tax credit offsets the individual income tax and equals 25 percent of the claimant's eligible investment in a qualified new business venture that is certified by the Wisconsin Economic Development Corporation. The credit may not be sold or otherwise transferred. The credit is part of the early stage business investment program, along with the early stage seed investment tax credit. Unlike the angel investment tax credit, the early stage seed investment tax credit may be sold or otherwise transferred.

Under the bill, a person eligible to claim the angel investment tax credit may sell or otherwise transfer the credit to another person who is subject to Wisconsin individual income tax if the person notifies WEDC and the Department of Revenue of the transfer and submits a copy of the transfer documents. The bill provides that, as with the early stage seed investment tax credit under current law, a person may not sell or otherwise transfer a credit more than once in a 12-month period and WEDC may charge a fee of up to 5 percent of the credit amount.

### **SENATE BILL 785**

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 238.15 (3) (e) of the statutes is amended to read:

 $\mathbf{2}$ 238.15 (3) (e) Transfer. A person who is eligible to claim a credit under s. 71.07 3 (5b), 71.28 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit to 4 another person who is subject to the taxes or fees imposed under s. 71.02, 71.23,  $\mathbf{5}$ 71.47, or subch. III of ch. 76, if the person receives prior authorization from the 6 investment fund manager and the manager then notifies the corporation and the 7 department of revenue of the transfer and submits with the notification a copy of the 8 transfer documents. A person who is eligible to claim a credit under s. 71.07 (5d) may 9 sell or otherwise transfer the credit to another person who is subject to the taxes 10 imposed under s. 71.02 if the person notifies the corporation and the department of 11 revenue of the transfer and submits with the notification a copy of the transfer 12documents. No person may sell or otherwise transfer a credit as provided in this paragraph more than once in a 12-month period. The corporation may charge any 13person selling or otherwise transferring a credit under this paragraph a fee of up to 14155 percent of the credit amount sold or transferred.

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(END)