

LAK:ty

02/25/2009

1     **AN ACT** *to amend* 71.07 (5j) (b), 71.28 (5j) (b) and 71.47 (5j) (b) of the statutes;  
2           **relating to:** an income tax credit for installing or retrofitting pumps that mix motor  
3           vehicle fuels from separate storage tanks.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the joint legislative council's special committee on domestic biofuels.

Under current law, an "ethanol and biodiesel fuel pump" income tax credit is available for claimants who install or retrofit equipment for dispensing motor vehicle fuel to end-users that dispense fuel consisting of at least 85 percent ethanol or at least 20 percent biodiesel fuel. The amount of the credit is 25 percent of the cost to install or retrofit such equipment but is limited to \$5,000 per service station for which the claimant has installed or retrofitted such equipment. This credit is available for taxable years beginning after December 31, 2007 and before January 1, 2018.

This bill draft would allow this income tax credit to be claimed for the installation or retrofit of equipment that blends fuels from separate storage tanks allowing the end-user to choose the percentage of ethanol or biodiesel in the dispensed fuel.

4           **SECTION 1.** 71.07 (5j) (b) of the statutes is amended to read:

5           71.07 **(5j)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for  
6           taxable years beginning after December 31, 2007, and before January 1, 2018, a claimant may  
7           claim as a credit against the taxes imposed under s. 71.02, up to the amount of the taxes, an  
8           amount that is equal to 25 percent of the amount that the claimant paid in the taxable year to  
9           install or retrofit pumps located in this state that dispense motor vehicle fuel consisting of at  
10          least 85 percent ethanol or at least 20 percent biodiesel fuel, or pumps that mix fuels from

1 separate storage tanks and allow the end-user to choose the percentage of ethanol or biodiesel  
2 in the motor vehicle fuel dispensed.

3 **SECTION 2.** 71.28 (5j) (b) of the statutes is amended to read:

4 71.28 **(5j)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for  
5 taxable years beginning after December 31, 2007, and before January 1, 2018, a claimant may  
6 claim as a credit against the taxes imposed under s. 71.23, up to the amount of the taxes, an  
7 amount that is equal to 25 percent of the amount that the claimant paid in the taxable year to  
8 install or retrofit pumps located in this state that dispense motor vehicle fuel consisting of at  
9 least 85 percent ethanol or at least 20 percent biodiesel fuel, or pumps that mix fuels from  
10 separate storage tanks and allow the end-user to choose the percentage of ethanol or biodiesel  
11 in the motor vehicle fuel dispensed.

12 **SECTION 3.** 71.47 (5j) (b) of the statutes is amended to read:

13 71.47 **(5j)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for  
14 taxable years beginning after December 31, 2007, and before January 1, 2018, a claimant may  
15 claim as a credit against the taxes imposed under s. 71.43, up to the amount of the taxes, an  
16 amount that is equal to 25 percent of the amount that the claimant paid in the taxable year to  
17 install or retrofit pumps located in this state that dispense motor vehicle fuel consisting of at  
18 least 85 percent ethanol or at least 20 percent biodiesel fuel, or pumps that mix fuels from  
19 separate storage tanks to allow the end user to choose the percentage of ethanol or biodiesel  
20 in the motor vehicle fuel dispensed.

21 **SECTION 4. Initial applicability.** The treatment of sections 71.07 (5j) (b), 71.28 (5j) (b),  
22 and 71.47 (5j) (b) of the statutes first applies to taxable years beginning on January 1 of the  
23 year in which this subsection takes effect, except that if this subsection takes effect after July

31 this treatment first applies to taxable years beginning on January 1 of the year following  
the year in which this subsection takes effect.

3 (END)