



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1810/1
MES:ahc

2019 ASSEMBLY BILL 128

March 25, 2019 - Introduced by Representatives BALLWEG, THIESFELDT, BOWEN, BROSTOFF, DITTRICH, HORLACHER, KULP, LOUDENBECK, PETERSEN, QUINN, ROHRKASTE, SCHRAA, SINICKI, SKOWRONSKI, SUBECK, TUSLER and WICHGERS, cosponsored by Senators DARLING, JACQUE and WANGGAARD. Referred to Committee on Ways and Means.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 71.10 (4) (i); and *to create* 20.835 (2) (cd) and 71.07 (8n) of the
2 statutes; **relating to:** creating a refundable individual income tax credit for the
3 parent of a stillbirth.

Analysis by the Legislative Reference Bureau

This bill creates a refundable individual income tax credit of \$2,000 that may be claimed by the parents of a stillbirth. The bill defines stillbirth as a birth that occurs in this state that results in a stillbirth for which a fetal death report is required. Because the credit is refundable, if the amount of the credit for which the individual is eligible exceeds his or her tax liability, the difference will be refunded to the claimant.

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:

4 **SECTION 1.** 20.835 (2) (cd) of the statutes is created to read:
5 20.835 (2) (cd) *Stillbirth tax credit.* A sum sufficient to pay the claims approved
6 under s. 71.07 (8n).

ASSEMBLY BILL 128**SECTION 2**

1 **SECTION 2.** 71.07 (8n) of the statutes is created to read:

2 71.07 **(8n)** STILLBIRTH TAX CREDIT. (a) *Definitions.* In this subsection:

3 1. "Claimant" means the parent of a stillbirth who files a claim under this
4 subsection.

5 2. "Stillbirth" means a birth that occurs in this state that results in a stillbirth
6 for which a fetal death report is required under s. 69.18 (1) (e) 1.

7 (b) *Filing claims.* Subject to the limitations and conditions provided in this
8 subsection, a claimant may claim as a credit against the tax imposed under s. 71.02
9 an amount of \$2,000 in the taxable year in which the stillbirth occurs, and if the
10 allowable amount of the claim exceeds the income taxes otherwise due on the
11 claimant's income, the amount of the claim not used as an offset against those taxes
12 shall be certified by the department of revenue to the department of administration
13 for payment to the claimant by check, share draft, or other draft drawn from the
14 appropriation account under s. 20.835 (2) (cd).

15 (c) *Limitations and conditions.* 1. No credit may be claimed under this
16 subsection by a part-year resident or a nonresident of this state.

17 2. No credit may be allowed under this subsection for a taxable year covering
18 a period of less than 12 months, except for a taxable year closed by reason of the death
19 of the taxpayer.

20 3. No credit may be allowed under this subsection unless it is claimed within
21 the period specified in s. 71.75 (2).

22 4. If a married couple files a joint return, the maximum amount that may be
23 claimed by the couple under this subsection is \$2,000 for each stillbirth.

24 5. If a married couple files a separate return, the maximum amount that may
25 be claimed by each spouse under this subsection is \$1,000 for each stillbirth.

ASSEMBLY BILL 128

1 6. If the parents of a stillbirth are unmarried, the maximum amount that may
2 be claimed by each parent under this subsection is \$1,000 for each stillbirth.

3 7. To claim the credit under this subsection, a claimant shall submit with his
4 or her return, for the taxable year to which the claim relates, proof of eligibility. A
5 fetal death report demonstrates proof of eligibility.

6 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
7 under that subsection, applies to the credit under this subsection.

8 **SECTION 3.** 71.10 (4) (i) of the statutes is amended to read:

9 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
10 preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and
11 beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief
12 credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s.
13 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment
14 credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s.
15 71.07 (3rm), food processing plant and food warehouse investment credit under s.
16 71.07 (3rn), business development credit under s. 71.07 (3y), research credit under
17 s. 71.07 (4k) (e) 2. a., film production services credit under s. 71.07 (5f), film
18 production company investment credit under s. 71.07 (5h), stillbirth tax credit under
19 s. 71.07 (8n), veterans and surviving spouses property tax credit under s. 71.07 (6e),
20 enterprise zone jobs credit under s. 71.07 (3w), electronics and information
21 technology manufacturing zone credit under s. 71.07 (3wm), beginning farmer and
22 farm asset owner tax credit under s. 71.07 (8r), earned income tax credit under s.
23 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch.
24 X.

25 **SECTION 4. Initial applicability.**

