

Instructions for 2019 Schedule 4W: Wisconsin Subtractions from Federal Income

Purpose of Schedule 4W

Corporations complete Schedule 4W to report subtraction modifications that are needed to account for differences between taxable income under Wisconsin law and under federal law. The corporation files Schedule 4W with its Wisconsin Form 4.

Line-by-Line Instructions

■ **Line 1. Wisconsin Subtraction Modification for Dividends** – Enter the total from line 4 of Schedule 4Y. See the Schedule 4Y instructions for an explanation of dividends that are eligible for the subtraction.

■ **Line 2. Related Entity Expenses** – If the corporation made an addition modification for related entity expenses on Schedule 4V, line 3, this is where you report the amount that qualifies for a deduction. Enter the amount of the expenses from Schedule 4V, line 3, that are deductible using the criteria described in *Conditions for Deducting Related Entity Expenses*, below.

For corporations that are partners, members, or beneficiaries of pass-through entities, also include the amount of allowable related entity expense reported on line 21b of Schedule 3K-1 and on line 14b of Schedule 2K-1, as applicable.

Conditions for Deducting Related Entity Expenses. Section 71.80(23)(a)3., Wis. Stats., provides that a related entity expense that was added back on Schedule 4V, line 3, qualifies for a deduction if all of the following conditions are met:

- The primary motivation for the transaction was one or more business purposes other than the avoidance or reduction of state income or franchise taxes;
- The transaction changed the economic position of the taxpayer in a meaningful way apart from tax effects; and
- The expenses were paid, accrued, or incurred using terms that reflect an arm's length relationship.

Factors that may indicate that the expense does not qualify for a deduction include the following:

- There was no actual transfer of funds from the taxpayer to the related entity, or the funds were substantially returned to the taxpayer, either directly or indirectly.
- If the transaction was entered on the advice of a tax advisor, the advisor's fee was determined by reference to the tax savings.
- The related entity does not regularly engage in similar transactions with unrelated parties on terms substantially similar to those of the subject transaction.
- The transaction was not entered into at terms comparable to arm's length as determined by Treas. Reg. 1.482-1(b).
- There was no realistic expectation of profit from the transaction apart from the tax benefits.
- The transaction resulted in improper matching of income and expenses.
- An expense for the transaction was accrued under FIN 48.

The statutes (sec. 71.80(23)(a)1. and 2., Wis. Stats.) provide some additional conditions under which a related entity expense may qualify for a deduction, subject to some important exceptions. Those conditions are:

- If the expense was paid to a related entity that is merely acting as a conduit between the taxpayer and an unrelated entity, or

- If the related entity was subject to a tax measured by net income or receipts and the net income or receipts of the transaction were included in its tax base.

More Information on Related Entity Expenses. For more information on the deductibility of related entity expenses, see the Schedule RT instructions. Even if you weren't required to file Schedule RT for the expenses you added back on Schedule 4V, the instructions to Schedule RT provide helpful information regarding deductibility of related entity expenses.

■ **Line 3. Income from Related Entities Whose Expenses Were Disallowed** – If the corporation has income from a related entity which paid, accrued, or incurred expenses to the corporation, and that related entity could not deduct those expenses according to the instructions for line 2, the corporation may subtract the corresponding income from its taxable income.

In order to claim a subtraction on line 3, the corporation must obtain Schedule RT-1 from the related entity and submit Schedule RT-1 with Schedule 4W. See the Schedule RT-1 instructions for further details.

■ **Line 4. Subpart F Income** – Enter income from controlled foreign corporations under Subpart F of the Internal Revenue Code as reported on Form 1120, Schedule C, line 16.

■ **Line 5. Foreign Dividend Gross-Up** – Enter foreign dividend gross-up reported on Form 1120, Schedule C, line 18.

■ **Line 6. Nontaxable Income** – Enter nontaxable income included in computing federal taxable income. Include a schedule with your return showing the payers and amounts of nontaxable income and explaining why that income isn't taxable.

Interest, dividends, and capital gains from the disposition of intangible assets are nontaxable if both of the following are true:

- The operations of the payer are not unitary with those of the payee, and
- The payer and payee are not related as parent company and subsidiary or affiliates and the investment activity from which the income is received is not an integral part of a unitary business.

Income may also be nontaxable under the principles of the U.S. Supreme Court decision in *Allied-Signal v. Director, Div. of Taxation*, 504 U.S. 768 (1992), if the investment is passive and does not serve an operational function.

For corporations subject to the Wisconsin income tax rather than the franchise tax, nontaxable income also includes interest on United States government obligations.

Franchise tax applies to:

- All domestic corporations (those organized under Wisconsin law), and
- Foreign corporations (those not organized under Wisconsin law) doing business in Wisconsin or buying or selling lottery prizes if the winning tickets were originally bought in Wisconsin, except where taxation is exempted by statute or barred by federal law.

The tax rate is 7.9%. Income from obligations of the United States government and its instrumentalities is included in income under the franchise tax law.

Income tax applies only to foreign corporations which are not subject to the franchise tax and which own property in Wisconsin or whose business in Wisconsin is exclusively in foreign or interstate commerce. The tax rate is 7.9%. Income from obligations of the United States government and its instrumentalities is not included in income under the income tax law.

CAUTION: Expenses related to nontaxable income aren't deductible and must be added to federal taxable income on Schedule 4V, line 5.

■ **Line 7. Foreign Taxes** – Enter foreign taxes paid or accrued during the year, but only if the income on which the tax is based is included in Wisconsin taxable income. Do not enter amounts that were deducted from federal taxable income or amounts included on Schedule 4W, line 5.

■ **Line 8. Cost Depletion** – For taxable years beginning on or after January 1, 2014, Wisconsin allows percentage depletion, so an adjustment is generally not required.

■ **Line 9. Basis, Section 179, Depreciation Difference, Amortization of Assets** –

Difference in federal and Wisconsin basis of depreciated or amortized assets:

For a short taxable year, the subtraction is prorated based on the number of months in the short taxable year and claimed against the Wisconsin income for the short taxable year prior to annualization. The short taxable year is considered a full year of the five-year amortization period. If any taxable year for which the above modification applies is a fractional year (part of a year), the difference between the modification allowed for the fractional year and the modification allowed for the 12-month taxable year shall be a modification for the first taxable year beginning after the 5-year amortization period.

Note: This addition only applies to taxpayers that previously reported the modification for a short taxable year, and as a result, were not able to recognize the full addition.

Example: A corporation has a taxable year beginning December 1 and ending November 30. A 20% subtraction of the basis difference will be claimed on the returns for the next four taxable years beginning December 1, 2014, December 1, 2015, December 1, 2016, and December 1, 2017. On December 1, 2018, the corporation changes its accounting period to a calendar year. A Wisconsin return is filed for the short taxable year December 1, 2018, to December 31, 2018. One-twelve (1/12) of the subtraction for 20% of the difference in basis of depreciable assets as of December 31, 2013, is subtracted from the Wisconsin income of the short taxable year. **Note:** Changes made by 2015 Act 216 allow the final subtraction for the basis difference to be made for the taxable year beginning January 1, 2019 (11/12 of the subtraction for 20% of the difference in basis of depreciable assets as of December 31, 2013).

Starting with the first taxable year beginning in 2014, adjustments are to be made over a 5-year period for the difference between the Wisconsin adjusted basis and the federal adjusted basis of assets owned on the last day of the taxable year beginning in 2013. The assets must have been depreciated or amortized for both Wisconsin and federal tax purposes. As a result of these adjustments, the Wisconsin adjusted basis and the federal adjusted basis of these assets is deemed to be equal on the first day of the taxable year beginning in 2014.

You must first determine the difference between the Wisconsin adjusted basis and the federal adjusted basis of all assets that are being depreciated or amortized on the last day of your taxable year beginning in 2013. This would be on December 31, 2013, if you file your tax return on a calendar-year basis.

If the total federal adjusted basis of the assets is less than the total Wisconsin adjusted basis, a subtraction must be claimed to adjust for this difference. As result of this subtraction, your Wisconsin adjusted basis of all depreciated or amortized assets on the first day of your taxable year beginning in 2014 (January 1, 2014, for calendar-year filers) will be the same as the federal adjusted basis.

Note: If the total Wisconsin adjusted basis is less than total federal adjusted basis, see the instructions for Schedule 4V, line 6.

Worksheet for Difference in Basis
(Keep for your records)

1. Combined Wisconsin adjusted basis of all depreciated and amortized assets as of the last day of the taxable year beginning in 2013.....
2. Combined federal adjusted basis of all depreciated and amortized assets as of the last day of your taxable year beginning in 2013.....
3. Subtract line 2 from line 1.....
4. Multiply line 3 by .20 (20%). This is your subtraction for 2019.....

Also enter the amount by which the Wisconsin deduction for depreciation or amortization exceeds the federal deduction for depreciation or amortization. Include a schedule showing the computation details.

These differences can happen because of IRC sections not adopted for Wisconsin purposes and electing a different depreciation method under the Internal Revenue Code in effect for Wisconsin purposes.

■ **Line 10. Basis Differences** – Enter the amount by which the Wisconsin basis of assets disposed of exceeds the federal basis. See the instructions for Schedule 4V, line 7, for an example. Provide a schedule showing the computation details.

■ **Line 11. Federal Wage Credits** – Enter wages that aren't deductible in computing federal income because they are being used in computing federal credits based on wages.

■ **Line 12. Federal Research Credit Expenses** – Enter research expenses that aren't deductible in computing federal income because they are being used in computing the federal credit for increasing research activities.

■ **Line 13. Other Subtractions** – Enter any other subtractions from federal income that are not specifically listed in lines 1-12 above, except for the insurance company adjustment, which is reported on line 14.

CAUTION: Do not enter subtractions on line 13 that are specifically designated on lines 1 -12 above. For example, if a depreciation adjustment is passed through from a partnership on Schedule 3K-1, enter the amount on Schedule 4W, line 9, not on line 13.

These other subtractions may include:

- Adjustments required as a result of changes made to the Internal Revenue Code which don't apply for Wisconsin. **Provisions of the Internal Revenue Code Not Adopted by Wisconsin include:**
 - Section 13113 of P.L. 103-66, which created sec. 1202 of the IRC effective for small business stock issued after August 10, 1993.
 - Sections 1, 3, 4, and 5 of P.L. 106-519, which repealed foreign sales corporation provisions and replaced with extraterritorial income provisions.
 - Sections 101, 102, and 422 of P.L. 108-357, which repealed the exclusion for extraterritorial income, domestic production activities deduction, and the creation of sec. 965 – incentives to reinvest foreign earnings in the U.S.
 - Sections 1310 and 1351 of P.L. 109-58, which provides for the modification to special rules for nuclear decommissioning costs, repeal of the limitation on contract research expenses paid so small businesses, universities, and federal laboratories.
 - Section 11146 of P.L. 109-59, the tax treatment of state ownership of railroad real estate investment trust.
 - Section 403(q) of P.L. 109-135, which provides incentives to reinvest foreign earnings from controlled foreign corporations in the U.S.
 - Section 513 of P.L. 109-222, which repeals foreign sales corporation/extraterritorial income exclusion binding contract relief.
 - Sections 104 and 307 of P.L. 109-432, which increases the rates of the alternative incremental credit and

provides a new alternative simplified credit and that gross income does not include an IRA distribution used to fund an HSA.

- Sections 8233 and 8235 of P.L. 110-28, which created a special rule for banks required to change from the reserve method of accounting in becoming tax-option (S) corporations and the elimination of all earnings and profits attributable to pre-1983 years.
- Section 11(e) and (g) of P.L. 110-172, which provides clerical amendments to research credits for controlled corporations and common control, and clerical amendments to the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.
- Section 301 of P.L. 110-245, which provides for tax responsibilities of expatriation.
- Section 15351 of P.L. 110-246, limits the amount of farm losses that may offset non-farming business income to \$300,000.
- Section 302 of division A, section 401 of division B, and sections 312, 322, 502(c), 707, and 801 of division C of P.L. 110-343, which limits executive compensation for employers participating in troubled assets relief program for the taxable year in which the troubled assets exceed \$300,000,000. Caps the domestic production activities deduction at 6% for oil-related activities. The deduction for income attributable to domestic production activities in Puerto Rico applies to the first 8 taxable years beginning before January 1, 2010. Tax incentives for investment in the District of Columbia includes exclusion for gain on sale of an asset held from more than 5 years. Defines wages for purposes of the domestic production activities deduction. Creates sec. 198A to provide for expensing of disaster expenses for control of hazardous substances. Specifies treatment of nonqualified deferred compensation plans maintained by foreign corporations.
- Sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5, which suspends the special rules for original issue discount on high yield obligations issued during the period 9/1/2008 and 12/31/2009. Allows a 75% exclusion for small business stock issued between 1/17/2009 and 12/31/2009. Provides that no built-in-gain tax is imposed on a tax-option (S) Corporation for a taxable year beginning in 2009 and 2010 if the seventh taxable year in the corporation's recognition period preceded such taxable year. Tax-exempt obligations held by financial institutions, in an amount not to exceed 2 percent of the adjusted basis of the financial institution's assets, are not taken into account for determining the portion of the financial institutions interest expense subject to the pro rata interest disallowance rule of sec. 265(b). Modification of the small insurer exception to tax-exempt interest expense allocation rules for financial institutions.
- Sections 211, 212, 213, 214, and 216 of P.L. 111-226, which adopts a matching rule to prevent the separation of foreign taxes from the associated foreign income, denies a foreign tax credit for the disqualified portion of any foreign income tax paid in connection with a covered asset acquisition, provides a separate application of foreign tax credit limitation to items resourced under treaties, limits the amount of foreign taxes deemed paid with respect to sec. 956 inclusions, treats a foreign corporation as a member of an affiliated group for interest allocation and apportionment purposes in more than 50% of gross income is effectively connected income and at least 80% of either the vote or value of all outstanding stock is owned directly or indirectly by members of the affiliated group.
- Sections 2011 and 2122 of P.L. 111-240, which provides a 100% exclusion for the gain on the sale of small business stock acquired after 9/27/2010 and before 1/1/2011, and clarifies the income sourcing rules for guarantee fees.
- Sections 753, 754, and 760 of P.L. 111-312, which excludes 60% of the gain on the sale of small business stock in an empowerment zone business to gain attributable to periods before 1/1/2016, specifies that gross income does not include gain on stock acquired before 1/1/2012 and held for more than 5 years, and excludes the gain on sale of small business stock acquired in 2011.
- Section 1106 of P.L. 112-95, which allows airline employees to contribute airline payment amounts under a bankruptcy claim to a traditional IRA as a rollover contribution.
- Sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240, which makes the alternative minimum tax exemption permanent and indexed for inflation, extends through 2013 the deduction with respect to income attributable to domestic production activities in Puerto Rico, extends the subpart F exception for active financing income, extends the look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company, provides 100% exclusion for gain on small business stock acquired in 2012 and 2013, extends through 2013 the reduction in tax-option (S) Corporation built-in gains tax and clarifies treatment of installment sales, provides a 60% exclusion for gain on small business stock acquired before 2019, and extends through 2013 the rules that allow gain certain sales of electric transmission property to be recognized ratably over 8 taxable years.
- Section 2 of P.L. 114-7, relating to contributions for relief of slain New York Police Detectives.

- Section 1101 of P.L. 114-74 relating to partnership rules.
- Section 305 of division P of P.L. 114-113, relating to the transportation costs of independent refiners.
- Sections 123, 125-128, 143, 144, 151-153, 165-167, 169-171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113:
 - Section 123, relating to extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements
 - Section 125, relating to the extension of treatment of certain dividends of regulated investment companies.
 - Section 126, relating to the extension of exclusion of 100 percent of gain on certain small business stock.
 - Section 127, relating to the extension of reduction in S-corporation recognition period for built-in gains tax.
 - Section 128, relating to the extension of subpart F exception for active financing income.
 - Section 143, relating to the extension and modification of bonus depreciation.
 - Section 144, relating to the extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
 - Section 151, relating to the extension and modification of exclusion from gross income of discharge of qualified principal residence indebtedness.
 - Section 152, relating to the extension of mortgage insurance premiums treated as qualified residence interest.
 - Section 153, relating to the extension of above-the-line deduction for qualified tuition and related expenses.
 - Section 165, relating to the extension of classification of certain race horses as 3-year property.
 - Section 166, relating to the extension of 7-year recovery period for motorsports entertainment complexes.
 - Section 167, relating to the extension and modification of accelerated depreciation for business property on an Indian reservation.
 - Section 169, relating to the extension of special expensing rules for certain film and television productions; special expensing for live theatrical productions.
 - Section 170, relating to the extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
 - Section 171, relating to the extension and modification of empowerment zone tax incentives.
 - Section 189, relating to the extension of special allowance for second generation biofuel plant property.
 - Section 191, relating to the extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
 - Section 307, relating to the technical amendment relating to rollover of certain airline payment amounts.
 - Section 326, relating to the dividends derived from RICs and REITs ineligible for deduction for United States source portion of dividends from certain foreign corporations.
 - Section 411, relating to the partnership audit rules.
- Sections 11011, 11012, 13201 (a) to (e) and (g), 13206, 13221, 13301, 13304 (a), (b), and (d), 13531, 13601, 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97:
 - Section 11012, relating to the limitation on losses for taxpayers other than corporations.
 - Section 13201 (a) to (e) and (g), relating to the temporary 100% expensing for certain business assets (bonus depreciation).
 - Section 13206, relating to the amortization of research and experimental expenditures beginning in 2022.
 - Section 13221, relating to special rules for the taxable year of inclusion.
 - Section 13301, relating to the 30% taxable income limitation for the deduction of interest.
 - Section 13304(a), (b), and (d) relating to the limit on the deduction by employers of fringe benefits (meals, entertainment, and transportation).
 - Section 13531, relating to the limitation on deductions for FDIC premiums.
 - Section 13601, relating to the modification of the limitation on excessive employee remuneration.
 - Section 13801, relating to the production period for beer, wine, and distilled spirits.

- Section 14101, relating to the deduction for the foreign-source portion of dividends received by domestic corporations from specified 10% owned foreign corporations.
 - Section 14102, relating to the special rules for sale or transfers involving specified 10% owned foreign corporations.
 - Section 14103, relating to the treatment of deferred foreign income upon transition to a participation exemption system of taxation.
 - Section 14201, relating to the current year global intangible low-taxed income by U.S. shareholders.
 - Section 14202, relating to the deduction for foreign derived intangible income and global intangible low-taxed income.
 - Section 14211, relating to the elimination of the inclusion of foreign base company oil related income.
 - Section 14212, relating to the repeal of the inclusion based on withdrawal of previously excluded subpart F income from qualified investment.
 - Section 14213, relating to the modification of stock attribution rules for determining the status as a controlled foreign corporation.
 - Section 14214, relating to the modification of the definition of a U.S. shareholder.
 - Section 14215, relating to the elimination of the requirement that a corporation must be controlled for 30 days before the subpart F inclusions apply.
 - Section 14221, relating to the limitations on income shifting through intangible property transfers.
 - Section 14222, relating to certain related party amounts paid or accrued in hybrid transactions or with hybrid entities.
 - Section 14301, relating to the repeal of section 902 – indirect foreign tax credits, and determination of the deemed paid credit for subpart F inclusions under sec. 960 on a current year basis.
 - Section 14302, relating to the separate foreign tax credit limitation basket for foreign branch income.
 - Section 14304, relating to the election to increase the percentage of domestic taxable income offset by the overall domestic loss treated as foreign source.
 - Section 14401, relating to the base erosion anti-abuse tax.
- Adjustments required as a result of making different elections for Wisconsin and federal purposes.
 - Separately stated items of expense and adjustments for differences between the federal and Wisconsin treatment of any items of an S corporation that opts out of Wisconsin tax-option status.
 - For credit unions, an adjustment to remove income from non-public deposits from Wisconsin income as described in the instructions to Schedule CU-1.
 - The amount of net income of an out-of-state business from performing disaster relief work. See [Publication 411 – Disaster Relief](#), for more information

■ **Line 14. Nontaxable Income from Life Insurance Operations** – If the corporation is an insurance company that has both life insurance operations and non-life insurance operations, enter the amount of nontaxable income from life insurance operations as computed on Schedule 4I, line 13. See the Schedule 4I instructions for details.

Additional Information and Assistance

Web Resources.

The Department of Revenue's web page, available at revenue.wi.gov, has a number of resources to provide additional information and assistance, including:

Related [forms](#) and their instructions

- [Common questions](#)
- [Publications](#) on specific tax topics
- The [Wisconsin Tax Bulletin](#)
- A home page specifically for [combined reporting topics](#)
- Links to the [Wisconsin Statutes and Administrative Code](#)

Contact Information.

If you cannot find the answer to your question in the resources available on the Department of Revenue's web page, contact the Department using any of the following methods:

- E-mail your question to: DORFranchise@wisconsin.gov
- Call (608) 266-2772
(Telephone help is also available using TTY equipment. Call the Wisconsin Telecommunications Relay System at 711 or, if no answer, (800) 947-3529. These numbers are to be used only when calling with TTY equipment.)
- Send a fax to (608) 267-0834
- Write to the Audit Bureau, Wisconsin Department of Revenue, Mail Stop 3-107, PO Box 8906, Madison, WI 53708-8906

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of November 1, 2019: Chapter 71 Wis. Stats., and Chapter Tax 2, Wis. Adm. Code