

# 2022 Form 1CNP Instructions

A partnership, including a limited liability company (LLC) classified as a partnership for federal income tax purposes, having two or more qualifying nonresident partners, uses Form 1CNP to report and pay the Wisconsin income tax owed by those partners. In order to file Form 1CNP, the partnership and partners must agree to the rules prescribed by the Wisconsin Department of Revenue set forth in these instructions.

The composite return replaces the separate Wisconsin income tax return, Form 1NPR, that otherwise would be filed by each of the qualifying and participating nonresident partners.

**Note:** Filing the Form 1CNP does not relieve the entity from filing tax returns; the entity is still required to file Wisconsin income or franchise tax returns.

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## General Instructions for Form 1CNP

### Who May Participate in Composite Return

A partnership that derives income from business transacted, services performed, or property located in Wisconsin may file Form 1CNP on behalf of its nonresident partners who derive no taxable income or deductible loss from Wisconsin other than their distributive shares of the Wisconsin partnership income or loss.

### Who May Not Participate in Composite Return

A partnership cannot file Form 1CNP on behalf of its nonresident partners in a taxable year that the partnership makes an election to pay tax at the entity level under sec. 71.21(6)(a), Wis. Stats.

A partner cannot participate in this composite return in any of the following cases:

- The partner is an entity and not an individual.

However, if the partner is an LLC treated as a disregarded entity or a grantor trust that is not required to file Form 1041 for federal income tax purposes, the single member of the LLC or grantor of the grantor trust is deemed to be the partner for purposes of the Form 1CNP eligibility requirements.

- The partner files their individual income tax return on a fiscal year basis.
- The partner is a Wisconsin resident during any part of 2022.
- The partner derives taxable income from Wisconsin in 2022 other than their distributive share of partnership income or loss from one partnership.
- The partner wishes to claim any tax credit or amounts deductible as itemized deductions.
- The partner is required to file Wisconsin Schedule RT, *Wisconsin Related Entity Expenses Disclosure Statement*, to report interest expenses, rental expenses, management fees, and intangible expenses that result from related party transactions between the partner and partnership.
- The partner has already filed or plans to file a 2022 Form 1NPR, *Nonresident and Part-Year Resident Wisconsin Income Tax*.
- The partner filed Form PW-2 and has been approved by the department to be exempt from pass-through withholding for the partnership's taxable year.

Partners who are full-year Wisconsin residents must file Wisconsin Form 1. Part-year resident partners and nonresident partners who may not participate in Form 1CNP must file Wisconsin Form 1NPR to report their own income.

### What Income Is Reportable on Form 1CNP

Report each qualifying and participating partner's distributive share of partnership income or loss for the partnership's taxable year ending between January 1, 2022, and December 31, 2022, on a 2022 Form 1CNP. (**Note:** For a partnership on a 52-53 week taxable year, the taxable year is considered to end on the last day of the month closest to the end of the period.)

### When to File

Form 1CNP is due April 18, 2023. A late filing fee of \$50 will be charged for returns not filed timely; however, the following extensions of time to file are available:

- Any extension allowed by the Internal Revenue Service for filing the partnership's federal return automatically extends the due date of Form 1CNP to the same extended due date, provided a copy of the federal extension is filed with Form 1CNP.
- The partnership may receive an extension of time to file Form 1CNP by filing a statement with Form 1CNP which includes the following information: The federal extension provision being used and the name, address, and signature of each partner covered by the extension.
- **Disaster Relief Extension.** If you are filing under extension because of a federal or state disaster, include a statement indicating which disaster extension you are using and attach it to your return.
- Extensions to file allowed by the Internal Revenue Service to individual partners will also give Wisconsin extensions *to those particular partners*, provided a copy of the federal extension is filed with Form 1CNP. Other partners who don't have an extension may be subject to late filing fees and delinquent interest if Form 1CNP is filed after April 18, 2023. A separate \$50 late filing fee may be imposed on each partner who doesn't have an extension.

### Filing Method

Partnerships are required to file Form 1CNP returns electronically and may file electronically through the [Federal/State E-Filing Program](#) or [My Tax Account](#), the department's free electronic filing application.

If the requirement to file electronically causes an undue hardship, a taxpayer may request an electronic filing waiver by filing [Form EFT-102, Electronic Filing or Electronic Payment Waiver Request](#). If the waiver is approved, mail your return to: Wisconsin Department of Revenue, PO Box 8965, Madison WI 53078-8965.

## Internal Revenue Service Adjustments and Amended Returns

Wisconsin law requires the following information to be provided to the department:

- Adjustments made to a partner's federal tax return by the Internal Revenue Service (IRS) that affect the Wisconsin net tax payable, a Wisconsin net operating loss carryforward, or a Wisconsin capital loss carryforward must be reported within 180 days after they become final.
- Changes made on a partner's amended return filed with the IRS that affect the Wisconsin net tax payable, a Wisconsin net operating loss carryforward, or a Wisconsin capital loss carryforward must be reported on an amended Wisconsin return within 180 days after filing the amended federal return.

**Exception:** If the partnership's federal audit adjustment(s) was assessed at the entity level, the partnership may request within 60 days after the final determination by the IRS to amend the partnership returns and pay tax on behalf of the partners as provided under sec. 71.76(2)(b), Wis. Stats.

- If the department approves the request, the partnership must amend the Wisconsin partnership returns for each reviewed year, as defined under section 6225 of the Internal Revenue Code, to report such changes within 180 days from the date the department approves the request.
- If the department denies the request, the partnership and its pass-through members must file amended Wisconsin returns for each reviewed year, as defined under section 6225 of the Internal Revenue Code, to report such changes within 180 days from the date the department denies the request.

Either the partnership or the partner must report this information as follows:

**When partnership must report this information.** The partnership must file an amended Form 1CNP to report federal adjustments or amendments to a partner's federal return that affect the amount of the partner's income or tax reported on the partnership's original Form 1CNP.

To amend Form 1CNP, file another Form 1CNP and check the line at the top of the form indicating that it is an amended return. Include with the amended return a copy of the final federal audit report if the amended return is being filed as a result of a federal audit. Otherwise, include Schedule AR in order to explain the changes made and the reasons for the changes.

**Note:** If the partnership's federal audit adjustment(s) was assessed at the entity level, and the department approves the partnership's request to amend the partnership returns and pay tax on behalf of the partners as provided under sec. 71.76(2)(b), Wis. Stats., the partnership should not file an amended Form 1CNP. The partnership must file an amended Form 3 for each reviewed year, as defined under section 6225 of the Internal Revenue Code, to report any partnership adjustments and pay tax on behalf of the partners.

**When partner must report this information.** The partner must file an amended Form 1NPR to report federal adjustments or amendments to the partner's federal return that affect Wisconsin items of income, loss, or credit other than the partnership income or loss reported on Form 1CNP, or if the partnership's federal audit adjustment(s) was assessed at the entity level, and the department approves the partnership's request to amend the partnership returns and pay tax on behalf of the partners as provided under sec. 71.76(2)(b), Wis. Stats., report pass-through items not reported on Form 3.

To amend Form 1NPR, file a Form 1NPR and check the designated line indicating that it is an amended return. Include any partnership income or loss previously reported on Form 1CNP. Include with the amended return a copy of the final federal audit report if the amended return is being filed as a result of a federal audit. Otherwise, include Schedule AR in order to explain the changes made and the reasons for the changes. If claiming credit for taxes previously paid on your behalf on Form 1CNP, include a statement indicating the partnership's name and federal employer identification number and amount of tax paid.

## Refunds, Assessments, and Correspondence

By filing Form 1CNP, the signing partner declares that the partnership has a Power of Attorney or other written authorization from each qualifying and participating partner to file a composite return. The department may mail refund checks, assessments, and all correspondence to the partnership at the address indicated on Form 1CNP.

If an issue cannot be resolved between the partnership and the department, the partnership must agree to be responsible for the payment of any additional tax due, interest, and penalties, as finally determined. The department may contact the individual partners.

## Additional Information and Forms

If you need help with the composite return, you may:

- E-mail your question to: [DORAuditPassThrough@wisconsin.gov](mailto:DORAuditPassThrough@wisconsin.gov)
- Send a FAX to (608) 267-1030
- 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.)

Forms or publications are available on the department's website at [revenue.wi.gov](http://revenue.wi.gov).

# Wisconsin Taxation of Partnership Income for Nonresidents

## Nonresident Individual Filing Requirements

Nonresidents of Wisconsin having \$2,000 or more of Wisconsin gross income during 2022 must file a Wisconsin income tax return. A nonresident who is married has a Wisconsin filing requirement if the combined Wisconsin gross income of both spouses is \$2,000 or more.

Gross income means all income (before deducting expenses) reportable to Wisconsin which is received in the form of money, property, or services. Gross income includes a distributive share of partnership gross income (before deducting expenses) as reported on Wisconsin Schedule 3K-1, line 24, column e.

If gross income (or the combined gross income of spouses) is less than \$2,000, a Wisconsin income tax return is not required. However, if the partner has tax withheld by the partnership on their behalf, the partner should file a Wisconsin income tax return (either Form 1CNP or Form 1NPR) to obtain a refund of the amount withheld.

## Partner's Share of Income Taxable to Wisconsin

A nonresident partner's portion of the partnership's income attributable to a business located in Wisconsin, services performed in Wisconsin, or real or tangible personal property

located in Wisconsin is taxable by Wisconsin. Business income is taxable whether or not the individual partner conducts business in Wisconsin. However, partnership income derived from personal services, including professional services, is taxable to a nonresident partner only if that nonresident partner personally performs services in Wisconsin. The amount of personal service income attributable to the nonresident partner's services performed in Wisconsin is taxable.

**Example 1.** Two nonresident individuals are partners of a partnership that does business only in Wisconsin. Both nonresidents are taxed on their entire share of the partnership income for Wisconsin income tax purposes.

**Example 2.** Two nonresident individuals and one Wisconsin resident are equal partners in a partnership that does business in Wisconsin and Illinois. The partnership derives 40% of its income from business activities in Wisconsin and 60% from business activities in Illinois. The Wisconsin resident partner operates the Wisconsin business. The nonresident partners operate the Illinois business. Each nonresident partner is taxed on one-third of the 40% of the partnership income attributable to business activities in Wisconsin.

**Example 3.** A nonresident is a limited partner, with a 1% interest in partnership profits, of a partnership that derives income from real estate located in Wisconsin and in other states. The nonresident limited partner is taxed on 1% of the partnership income attributable to the real estate located in Wisconsin.

**Example 4.** A nonresident is a partner, with a 10% interest in partnership profits, of a certified public accounting firm that operates in and outside Wisconsin. One-fourth of the partnership's income is attributable to professional services performed in Wisconsin and three-fourths is attributable to professional services performed in other states. The nonresident partner doesn't personally perform any services in Wisconsin. The nonresident isn't subject to Wisconsin income tax on their proportionate share of the income earned in Wisconsin.

### Withholding Requirement for Partnerships Having Nonresident Partners

A partnership that has one or more nonresident partners is generally required to pay pass-through withholding tax on its distributable income allocable to the nonresident partners. However, withholding is not required in the following situations:

- The partner is not otherwise subject to Wisconsin income or franchise tax (such as a 501(c)(3) organization with no unrelated business taxable income). In this case, the partnership may rely on a written statement

from a partner explaining why the partner is exempt from Wisconsin tax.

- The partner's share of income from the partnership attributable to Wisconsin is less than \$1,000.
- The partner completes Form PW-2, *Wisconsin Nonresident Partner, Member, Shareholder, or Beneficiary Pass-Through Withholding Exemption Affidavit*, receives approval from the department, and provides a copy of the withholding exemption letter to the partnership. See Form PW-2 instructions for details.
- The partner provides an exemption letter to the partnership.
- The partnership is a publicly traded partnership, as defined under section 7704(b) of the Internal Revenue Code, that is treated as a partnership under the Internal Revenue Code and the partnership submits a Schedule 3K-1 for each of its nonresident partners.

Partnerships are required to make quarterly estimated withholding tax payments. In addition to the quarterly estimated payments, a partnership is still required to file Form PW-1, *Wisconsin Nonresident Income or Franchise Tax Withholding on Pass-Through Entity Income*, on an annual basis and pay any additional withholding tax due.

For more information about pass-through withholding, see the Form PW-1 instructions.

## Specific Instructions for Form 1CNP

### Line-by-Line Instructions

Fill in Schedule 2 of Form 1CNP first; then enter the totals from Schedule 2 on Schedule 1.

The name and address information should be written on single lines. Do not stack the information on the lines. If more room is needed, abbreviate where possible. **Exception:** The information may be stacked in column (A) of Schedule 2.

Do not write "None" on the amount lines if there is not an entry for the lines. Instead, leave the lines blank.

### Schedule 2 Instructions

■ **Columns A and B. Name, Address and Social Security Number** – Enter the information requested concerning the nonresident partners who are participating in this composite return. Complete names, addresses, and social security numbers **are required**. Prepare and submit a separate schedule, if necessary, if there are not enough lines provided on Schedule 2.

**Notes:**

- If both spouses are partners and they wish to compute their tax jointly, use only one entry line in Schedule 2. Enter both names on that line in column A, list both social security numbers in column B, and combine their amounts in columns C1, C2, D, E, and F for purposes of determining the tax to enter in column H.
- If a nonresident partner is a limited liability company (LLC) or grantor trust treated as a disregarded entity, the owner of the LLC or grantor of the grantor trust is deemed to be the partner for purposes of filing Form 1CNP. When reporting a nonresident partner's allocated portion of income or loss on Schedule 2 of Form 1CNP, the same social security number (SSN) cannot be reported more than once in column (B). If an individual is an owner of an LLC or grantor of a grantor trust treated as a disregarded entity and both are nonresident partners of the same partnership, all income or loss allocated to the individual and the disregarded entity must be combined when reporting on Schedule 2 of Form 1CNP. For more information, see the article titled *Reminders: Composite Returns, Form 1CNP or 1CNS*, on page 3 of [Wisconsin Tax Bulletin 218](#) (July 2022).
- If the partner is a foreign individual who does not have a taxpayer identification number (TIN), the partner must apply for a TIN with the Internal Revenue Service (IRS). Do not file Form 1CNP until the IRS issues the partner a TIN.

■ **Column C1. Partner's Share of Wisconsin Partnership Income (Loss)** – Using the amounts entered on Schedule 3K-1, column e, compute each partner's Wisconsin net income or loss to enter on Schedule 2, column C1. Don't include guaranteed payments in column C1; instead, show these payments in column D.

The net income or loss may not agree with the total of the amounts on Schedule 3K-1, column e, for the following reasons:

- Only those separately stated deductions of the partnership that are deductible by the partners in computing federal adjusted gross income are allowed as deductions on Form

1CNP. For example, charitable contributions reported on Schedule 3K-1 are not allowed. Use the Wisconsin apportionment percentage to allocate allowable deductions to Wisconsin.

- Passive activity losses may be limited as provided in the Internal Revenue Code.
- 30% of the net capital gains realized on assets held more than 1 year is excludable from income, except that 60% of net capital gains realized on certain assets used in farming (i.e., farm livestock, farm real property, depreciable farm property, or farm equipment) is excludable from income.
- The net capital loss deduction is limited to \$500.
- A lower-tier entity made an election to pay tax at the entity level under sec. 71.21(6)(a), Wis. Stats. A lower-tier entity is a pass-through entity (i.e., partnership) that is directly or indirectly owned by the partnership.

If any of these differences apply, include a schedule with Form 1CNP showing the computation of net income.

If the partner is claiming a net operating loss carryforward, prepare a schedule showing the computation of the carryforward and submit it with your Form 1CNP. **Caution:** An individual generally must have a federal net operating loss in order to have a Wisconsin net operating loss. For exceptions, see the tax release titled *Wisconsin Net Operating Loss When There Is No Federal Net Operating Loss*, on page 19 of [Wisconsin Tax Bulletin 70](#) (January 1991).

■ **Column C2. Partner's Share of Wisconsin Gross Income** – For each partner, fill in the amount reported on Schedule 3K-1, line 24, column e. If the amount on Schedule 3K-1, line 24, column e is \$2,000 or more, the partner has a Wisconsin filing requirement and must file using either Form 1CNP or Form 1NPR.

■ **Column D. Guaranteed Payments** – Enter each partner's guaranteed payments attributable to Wisconsin from Schedule 3K-1, line 4, column e.

■ **Column E. Total Wisconsin Income (Loss)** – Add the amounts in columns C1 and D for each partner.

■ **Column F. Federal Adjusted Gross Income** – For each partner, enter the partner’s federal adjusted gross income from federal Form 1040 on Schedule 2, column F. **Note:** If this information is not available, you must compute the partner’s Wisconsin tax using the alternate method described in the instructions below for Schedule 2, column H.

■ **Column G. Filing Status** – For each partner whose federal adjusted gross income was reported in column F, enter the appropriate designation for the partner’s filing status in 2022: S for single, H for head of household, MFJ for married filing a joint return, and MFS for married filing a separate return.

**Note:** To use the joint return filing status, the partner’s spouse cannot have any income taxable by Wisconsin other than income or loss from this same partnership. If both spouses are partners and they wish to compute their tax jointly, combine their net incomes for purposes of determining the tax to enter in column H.

Do not fill in column G for any partner whose tax must be computed under the alternate method explained below.

■ **Column H. Tax** – If the partner’s federal adjusted gross income has been entered on Schedule 2, column F, figure the tax on the income in column E by using the tax computation worksheet on last page of these instructions. Don’t use the tax tables in the Form 1, or Form 1NPR booklets. No standard deduction or itemized deductions will be allowed for purposes of this composite filing.

**Alternate method of computing column H.** If the partner’s federal adjusted gross income is unknown, multiply the Wisconsin income in column E by 7.65% (0.0765) and enter the result on Schedule 2, column H.

■ **Column I. Tax Withheld from Form PW-1** – Enter the amount of pass-through entity withholding paid by the partnership on behalf of each partner, as reported on Form PW-1. If this is an amended return, report the tax previously assessed on the original return.

■ **Column J. Balance Due or Overpayment** – Compute the balance due or overpayment for each partner (column H - column I).

**Schedule 1 Instructions**

■ **Lines 1 through 9:** Fill in the amounts as instructed on the form. If you have an overpayment on line 9, you will not be able to carry over that overpayment to your 2023 Form 1CNP. Instead, the overpayment will automatically be refunded to you.

■ **Line 4: Amended Return Only - Amount Previously Paid** – If you have already filed a Form 1CNP for the taxable year and are filing an amended Form 1CNP, you must check the space provided at the top of the form and include Schedule AR. Fill in the amount of tax you paid with your original Form 1CNP plus any additional amounts paid after it was filed. If you did not pay the full amount shown on your original Form 1CNP, fill in only the portion that you actually paid. Also, include any additional tax that may have resulted if your original return was changed or audited. This includes additional tax paid with a previously filed 2022 amended return and additional tax paid as a result of a department adjustment to your return. Do not include payments of interest or penalties.

■ **Line 6: Amended Return Only - Amount Previously Refunded** – Complete this line only if this is an amended 2022 Form 1CNP. Fill in the refund from your original 2022 return.

If your refund was reduced because you owed underpayment interest or any penalties, fill in the amount of your refund before the reduction for underpayment interest or penalty. If your 2022 return was adjusted by the department, fill in the refund shown on the adjustment notice you received.

**Instructions for Third Party Designee, Signatures, Payment, and Supplemental Schedules**

■ **Third Party Designee** – If you want to allow a tax preparer or tax preparation firm, or any other person you choose to discuss your 2022 tax return with the department, check “Yes” in the “Third Party Designee” area of your return. Also, fill in the

designee's name, phone number, and any five digits the designee chooses as their personal identification number (PIN). If you check "Yes," you are authorizing the department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- Give the department any information missing from your return,
- Call the department for information about the processing of your return or the status of your refund or payment(s), and
- Respond to certain department notices about math errors, offsets, and return preparation.

You are not authorizing the designee to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the department. If you want to expand the designee's authorization, you must submit Form A-222, *Power of Attorney*. The authorization will automatically end no later than the due date (without regard to extensions) for filing your 2023 tax return.

**Signatures.** A general partner of the partnership or an LLC member must sign and date Form 1CNP at the bottom of page 1. If the return is prepared by someone other than an employee of the partnership, the individual who prepared the return must also sign the form and furnish the preparing firm's federal employer identification number. A self-employed individual preparer must enter "PTIN" and the preparer's tax identification number in the space for the preparer's federal employer ID number.

**Payment.** If you have an amount due on line 8, pay by electronic funds transfer through the department's online filing system, [My Tax Account](#), or [third party software](#).

**Supplemental Schedules.** As described in the preceding instructions, you may be required to include one or more supplemental schedules with your Form 1CNP, including:

- A copy of any application for an extension of time to file the return.
- If applicable, schedules to substantiate the partner's share of Wisconsin partnership income (loss) reported in column C1.

**Do not** include federal Form 1065, Wisconsin Form 3, Wisconsin Form PW-1, the federal Schedules K-1, or the Wisconsin Schedules 3K-1.



## Tax Computation Worksheet for Form 1CNP

<b>1</b>	If your filing status is single or head of household, fill in \$12,760; married filing joint, fill in \$17,010; married filing separate, fill in \$8,510		
<b>2</b>	Divide the amount from Schedule 2, column E, by the amount from Schedule 2, column F, and enter the ratio		
<b>3</b>	Multiply line 1 by line 2		
<b>4</b>	Fill in the amount from Schedule 2, column E		
<b>5</b>	Fill in the smaller of line 3 or line 4		
<b>6</b>	Multiply line 5 by 3.54% (0.0354) (round to the nearest cent)		
<b>7</b>	Subtract line 5 from line 4. If the result is zero, skip lines 8 through 20 and go to line 21		
<b>8</b>	If your filing status is single or head of household, fill in \$12,760; married filing joint, fill in \$17,020; married filing separate, fill in \$8,500		
<b>9</b>	Fill in the ratio from line 2 above		
<b>10</b>	Multiply line 8 by line 9		
<b>11</b>	Fill in the smaller of line 7 or line 10		
<b>12</b>	Multiply line 11 by 4.65% (0.0465) (round to the nearest cent)		
<b>13</b>	Subtract line 11 from line 7. If the result is zero, skip lines 14 through 20 and go to line 21		
<b>14</b>	If your filing status is single or head of household, fill in \$255,430; married filing joint, fill in \$340,570; married filing separate, fill in \$170,290		
<b>15</b>	Fill in ratio from line 2 above		
<b>16</b>	Multiply line 14 by line 15		
<b>17</b>	Fill in the smaller of line 13 or line 16		
<b>18</b>	Multiply line 17 by 5.3% (0.053) (round to the nearest cent)		
<b>19</b>	Subtract line 17 from line 13. If the result is zero, skip line 20 and go to line 21		
<b>20</b>	Multiply line 19 by 7.65% (0.0765) (round to nearest cent)		
<b>21</b>	Add lines 6, 12, 18, and 20. Fill in total here and on Schedule 2, column H		

### Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations enacted as of November 29, 2022: subchs. I, III, IV, and XII of ch. 71, [Wis. Stats.](#)