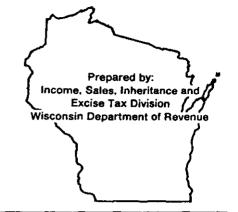
WISCONSIN TAX BULLETIN

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NEW WISCONSIN TAX LAWS

The Wisconsin Legislature has enacted numerous changes to the Wisconsin tax laws. This issue of the Wisconsin Tax Bulletin contains an index and brief descriptions of the major individual and fiduciary income, corporation franchise or income, homestead credit, farmland preservation credit, farmland tax relief credit, sales/use, estate, inheritance, gift, and excise tax provisions.

The majority of the provisions described are contained in 1991 Act 39, the 1991-93 budget bill, which was published August 14, 1991. However, tax provisions were also enacted in 1991 Acts 2, 3, 28, and 37. Descriptions of those changes are also included.

The description for each item indicates the Act which contains the law change, the sections of the statutes affected, and the effective dates of the new provisions.

Α.	IND	IVIDUAL AND FIDUCIARY INCOME TAXES	<u>Effective Date</u>	<u>Page</u>
	1.	Reference to the Internal Revenue Code Updated for 1991 for Individuals, Estates, and Trusts	Taxable years beginning on or after January 1, 1991	1
	2.	Federal Laws Enacted During 1990 Adopted to Apply Simultaneously for Wisconsin Purposes	Taxable years beginning before January 1, 1991	1
	3.	Conform Filing Requirements and Standard Deduction for Dependents with Unearned Income to Federal	Taxable years beginning on or after January 1, 1991	2
	4.	Prorate Health Insurance Deduction for Self-Employed Individuals Who Are Part-Year Residents or Nonresidents	Taxable years beginning on or after January 1, 1991	2

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5.	Prorate Deduction for Self-Employment Taxes for Part-Year Residents or Nonresidents	Taxable years beginning on or after January 1, 1991	3
6.	Eliminate Penalty on Distribution From Retirement Plan When Distribution is Exempt From Wisconsin Tax	Taxable years beginning on or after January 1, 1991	3
7.	Change State Historic Rehabilitation Credit	Taxable years beginning on or after January 1, 1991	3
8.	Penalties on Distributions From Retirement Plans	Taxable years beginning on or after January 1, 1991	5
9.	Require Reduction in Wisconsin Tax Attributes When Discharge of Indebtedness Income Is Excluded From Gross Income	Taxable years beginning on or after January 1, 1991	5
10.	Wisconsin Earned Income Credit Based on Percentage of Federal Basic Credit	Taxable years beginning on or after January 1, 1991	6
11.	Clarify That Farmland Tax Relief and Farmland Preservation Credits Are Includable in Income	August 15, 1991	7
12.	Change Cross-Reference Appearing in Definition of Net Operating Loss	Taxable years beginning on or after January 1, 1991	7
13.	Clarify Statutes Related to Taxation of Nonresidents on Lottery and Pari-Mutuel Wager Winnings	August 15, 1991	7
14.	Jobs Credit Reference to Federal Definition of a "Dislocated Worker" Corrected	Taxable years beginning on or after July 1, 1989	7
15.	Repeal Deduction for Inheritance and Estate Tax Administration Expenses	For expenses related to transfers because of deaths occurring on or after January 1, 1992	8
16.	Income Tax Exemption Repealed for Railroads, Sleeping Car Companies, and Car Line Companies	Taxable years beginning on or after January 1, 1991	8
17.	Net Operating Loss Carryforward Limited	Taxable years beginning on or after January 1, 1991	8
18.	Small Business Stock Capital Gains Exclusion Modified	For stock issued on or after August 16, 1991	8

		Effective Date	<u>Page</u>
19.	Tax Treatment of Income From Limited Partnership Interests Changed for Nonresidents and Part-Year Residents	Partnership's taxable year beginning on or after January 1, 1991, and the limited partner's taxable year as appropriate to conform the limited partner's treatment of the income from the partnership to the partnership's tax treatment	9
20.	Exempt Interest Income From Certain WHEDA Bonds	Various effective dates	9
21.	Provide Exclusion for Compensation Received by Members of the Reserves for Operation Desert Shield or Desert Storm	March 28, 1991	9
22.	Provide Exemption From Interest During Extension Period for Certain Persons	March 28, 1991	10
23.	Clarify Exclusion for Compensation Received by Members of the Reserves for Operation Desert Shield or Desert Storm	August 15, 1991	10
24.	Repeal the \$1,200 Limitation on Certain Interest Used in the Computation of the Itemized Deduction Credit	Taxable years beginning on or after January 1, 1993	10
25.	Certain Credits Not Considered in Calculation of Alternative Minimum Tax	Taxable years beginning on or after January 1, 1991	11
26.	Modify Development Zone Credits for Certain Claimants Doing Business on an Indian Reservation	Taxable years of partnerships, tax-option (S) corporations, or persons that begin on or after January 1, 1991, and for the appropriate taxable year of a partner or tax-option (S) corporation shareholder to conform the partner's or shareholder's treatment of a tax credit that is passed through by a partnership or tax-option (S) corporation to the partnership's or tax-option (S) corporation's treatment of the tax credit	11

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	1.	References to the Internal Revenue Code Updated for 1991 for Corporations, Tax-Option (S) Corporations, Insurance Companies, Nonprofit Organizations, Regulated Investment Companies, Real Estate Investment Trusts, and Real Estate Mortgage Investment Conduits	Taxable years beginning on or after January 1, 1991	11
	2.	Federal Laws Enacted During 1990 Adopted to Apply Simultaneously for Wisconsin Purposes	Taxable years beginning before January 1, 1991	12
	3.	Interest Imposed on Excessive "Quick Refunds"	Taxable years ending on or after August 15, 1991	12
	4.	Use of Previous Year's Apportionment Percentage for Computing Estimated Tax Payments Expanded	Taxable years beginning on or after January 1, 1991	13
	5.	Franchise and Income Tax Exemption Repealed for Railroads, Sleeping Car Companies, and Car Line Companies	Taxable years beginning on or after January 1, 1991	14
	6.	Net Business Loss Carryforward Limited	Taxable years beginning on or after January 1, 1991	14
	7.	Deduction Disallowed for Federal Environmental Tax	Taxable years beginning on or after January 1, 1991	14
	8.	Credit Reductions for Excluded Discharge of Indebtedness Income Modified	Taxable years beginning on or after January 1, 1991	14
	9.	Three-Month Extension Allowed for Foreign Corporations With No Office in the United States	Taxable years beginning on or after January 1, 1992	14
	10.	Computation of Research Credit and Development Zone Research Credit Modified	Taxable years beginning on or after January 1, 1991	15

Taxable years beginning on or after January 1, 1991

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 State Historic Rehabilitation Credit Repealed for Corporations, Tax-Option (S) Corporation Shareholders, Nonprofit Organizations, and Insurance Companies

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	12.	Tax Credits Available to Insurance Companies Renumbered	Taxable years beginning on or after January 1, 1991	16
	13.	Jobs Credit Reference to Federal Definition of a "Dislocated Worker" Corrected	Taxable years beginning on or after July 1, 1989	16
	14.	Modify Development Zone Credits for Certain Claimants Doing Business on an Indian Reservation	Taxable years of corporations or tax-option (S) corporations that begin on or after January 1, 1991, and for the appropriate taxable year of a partner or tax-option (S) corporation shareholder to conform the partner's or shareholder's treatment of a tax credit that is passed through by a partnership or tax-option (S) corporation to the partnership's or tax-option (S) corporation's treatment of the tax credit	17
	15.	Exempt Interest Income From Certain WHEDA Bonds	August 2, 1991	17
C.		STEAD, FARMLAND PRESERVATION AND LAND TAX RELIEF CREDITS		
	1.	Extend Deadline for Filing Claims for Homestead, Farmland Preservation, and Farmland Tax Relief Credits	Various effective dates	17
	2.	Include Nontaxable State and Municipal Bond Interest in Household Income	For claims based on property taxes accrued or rent constituting property taxes accrued in taxable years beginning on or after January 1, 1991	18
	3.	Use of land for Ice Age Trail Considered a Permitted Exception for Farmland Preservation Credit Eligibility	August 15, 1991	18
	4.	Increase Credit for Farmland Covered by Town Exclusive Agricultural Zoning From 90% to 95% of Potential Credit	Taxable years beginning on or after January 1, 1991	19

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	2.	Limit Exemption for Meals Sold by Hospitals, Etc., to Meals Served on the Premises	October 1, 1991	19
	3.	Impose Tax on Materials Removed From Wisconsin For Use Out-of-State (Except Advertising Materials)	October 1, 1991	19
	4.	Revise Imposition of Sales Tax on Telecommunication Services	October 1, 1991	21
	5.	Exempt Motor Vehicles and Other Registered Items Transferred to In-Laws	August 15, 1991	22
	6.	Exempt Repair Parts and Accessories of Exempt Medical Equipment	August 15, 1991	22
	7.	Clarify Which Taxes Are Included in Gross Receipts	August 15, 1991	23
	8.	Delete Obsolete Language Imposing Sales Tax on Access Charges	August 15, 1991	23
	9.	Change Effective Date for County Tax	August 15, 1991	23
	10.	Expand Exemption for Sales of New Mobile Homes	October 1, 1991	23
	11.	Conform Terminology in Sales Tax Law for Snowmobile and All-Terrain Vehicle Dealers	August 15, 1991	24
	12.	Theft of Sales and Use Tax Moneys	August 15, 1991	24
	13.	Clarify Real Property Construction Includes Fabrication of Modular Units Affixed to Realty	August 15, 1991	24
	14.	Exempt Materials, Supplies, and Equipment Used in Construction, Renovation, or Development of Professional Sports and Entertainment Home Stadiums	October 1, 1991	25

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	15.	Clarify Exemptions for Certain Electricity and Natural Gas Sold	August 15, 1991	25
	16.	Amount of County Tax Distributed to Counties Changed	For distributions of county sales tax revenues to counties on or after February 22, 1992	25
	17.	Claims for Refund of Sales and Use Taxes Must Be Made By Persons Who Remitted the Tax to the Department	Claims for refund filed on or after October 1, 1991	26
E.	<u>esta</u>	TE, INHERITANCE AND GIFT TAXES		
	1.	Penalty if Wisconsin Estate Tax is Not Timely Filed; Establish Due Date and Require Copy of Federal Estate Tax Return for Wisconsin Estate Tax	For estates of persons dying on or after January 1, 1992	26
	2.	"Timely Filed" Defined for Estate Tax Purposes	For documents related to transfers because of deaths occurring on or after January 1, 1992	26
	3.	Update Reference to Internal Revenue Code for Power of Appointment, Qualified Retirement Plans, and Installment Payments	For transfers because of deaths occurring on or after January 1, 1991	26
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F.	<u>exci</u>	<u>SE_TAXES</u>		
	1.	Adopt Income Tax Administration Provisions for Excise Tax Appeals and Record Retention	Various effective dates	27
	2.	Allow Permanent Motor Fuel Exemption Certificate	July 1, 1992	27
	3.	Change the Highway Maintenance Cost Index Source Used in Computing the Annual Adjustment for the Motor Fuel and Special Fuel Tax Rates	April 1, 1992	27
	4.	Penalty Imposed Against Person Who Continues to Purchase Tax-Exempt Motor Fuel After Exemption Certificate has Expired	August 15, 1991	28

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5.	Eliminate Obsolete Language Concerning Motor Fuel and Special Fuel Tax Rates	April 1, 1992	28
6.	Expand Arrest Powers to Alcohol and Tobacco Enforcement Agents	August 15, 1991	28
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8.	Clarify and Delete Obsolete Language Concerning Primary Source of Supply for Intoxicating Liquor Manufacturers, Rectifiers and Wholesalers	August 15, 1991	29
9.	Allow Fermented Malt Beverage Taxpayers to Furnish Other Types of Security	August 15, 1991	29
10.	Change the Payment of Liquor Tax From a Quarterly Estimated Basis to a Monthly Basis	October 1, 1991	29
11.	Deletes the Cigarette Inventory Tax Exemption for Retailers	August 15, 1991	29
12.	Coordinate Issuance of Cigarette Permits With Registration for Sales and Use Taxes	August 15, 1991	29
13.	Create Penalties for the Late Filing of Tobacco Products Tax Returns	August 15, 1991	29
14.	Create a New Tax Rate Schedule for Illegal Drugs	October 1, 1991	30
15.	Allow Beverage Servers to Qualify for Licensure Through Completion of an EAB Approved Training Course	August 15, 1991	30
16.	Permit Brewers and Wholesalers to Purchase Products From and Provide Items of Value to Retailers	August 15, 1991	30
17.	Prohibit Issuance of Class "B" License on Premises Where Other Business is Conducted	August 15, 1991	30

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	1.	Recycling Fee Replaced With Temporary Surcharge	Various effective dates	31
	2.	Allow Taxpayer to File Claim For Refund During Waiver Period	August 15, 1991	36
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	6.	Provide That Nonresident Entertainers Must File Surety Bond 7 Days Prior To Performance	For performances occurring on or after August 25, 1991	37
	7.	Permit Civil Action For Recovery Under Levy Law	August 15, 1991	37
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12.	Clarify Law Allowing Refund of Overpaid Interest and Penalties	August 15, 1991	38
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14.	Responsible Person Assessments Include Penalties and Interest	For failures to withhold, account for, or pay over a tax imposed under ch. 71, Wis. Stats., on or after August 15, 1991	39
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18.	Standardize Administrative Provisions Relating to Credits	Various effective dates	40
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