Number 117 November 1999



# Wisconsin TAX BULLETIN



In a special session that ended November 11, 1999, the Wisconsin Legislature enacted a one-time sales tax rebate. As part of this same legislation, the school property tax/rent credit was eliminated for taxable year 1999 and thereafter. These changes are contained in 1999 Wisconsin Act 10.

Included in this issue are: 1) descriptions of the changes; 2) copies of the application forms to be used by eligible residents and part-year residents who did not file a 1998 Wisconsin income tax return or homestead credit claim by October 15, 1999 (Form STR), and by eligible nonresidents (Form NSTR); and 3) a proof copy of the revised 1999 Form 1.

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#### Wisconsin Tax Bulletin

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**1. Sales Tax Rebate Created** (1999 Wisconsin Act 10, create sec. 77.64, effective November 19,1999.)

#### **Definitions**

The following definitions apply for purposes of the sales tax rebate:

- "Nonresident" means an individual who was not a resident of Wisconsin for any part of 1998.
- "Part-year resident" means an individual who was a resident of Wisconsin for some part of 1998.
- "Resident" means an individual who was a full-year resident of Wisconsin in 1998.

# Who is eligible for the sales tax rebate?

Except as provided below, individuals who were full-year residents, part-year residents, or non-residents of Wisconsin during 1998 are eligible for the sales tax rebate.

The following are *not* eligible for the sales tax rebate:

- An individual who was claimed as a dependent on another individual's 1998 federal income tax return. (Exception: If the dependent had 1998 Wisconsin adjusted gross income of \$5,000 or more and had a Wisconsin income tax liability in 1998, he or she is eligible for the rebate.)
- Individuals who were incarcerated in a state or federal prison at any time during the 1998 taxable year. (Note: If married and only one spouse was incarcerated, the spouse who was not incarcerated is eligible for the rebate.)
- A nonresident of Wisconsin in 1998 who was married to a full-year resident or partyear resident of Wisconsin. Only the fullyear resident or part-year resident spouse is eligible for the rebate.

# What is the amount of the rebate?

Full-year residents and part-year residents of Wisconsin in 1998 who filed a 1998 Wisconsin income tax return or 1998 homestead credit claim by October 15, 1999.

For individuals who were single, head of household, or married filing a separate return, the sales tax rebate is determined as follows:

If Wisconsin Adjusted			The Sales Tax	
Gross Income is:			Rebate is:	
Less than		\$ 25,001	\$184	
\$ 25,001	to	37,500	193	
37,501	to	50,000	203	
50,001	to	100,000	221	
100,001	to	250,000	244	
250,001 or	more	e	267	

For individuals who were married filing a joint return or homestead credit claim, the sales tax rebate is determined as follows:

If Wisconsin Adjusted			The Sales Tax	
Gross Income is:			Rebate is:	
Less than		\$ 25,001	\$ 360	
\$ 25,001	to	50,000	368	
50,001	to	75,000	385	
75,001	to	100,000	405	
100,001	to	200,000	442	
200,001	to	500,000	487	
500,001 or	more	2	534	

**Note:** If an individual filed a 1998 homestead credit claim but did not file a 1998 Wisconsin income tax return, the rebate is calculated as if the individual's Wisconsin adjusted gross income is \$25,000.

Full-year residents and part-year residents of Wisconsin in 1998 who did **not** file a 1998 Wisconsin income tax return or 1998 homestead credit claim by October 15, 1999.

The amount of the sales tax rebate is \$184 (\$360 if married and a joint claim is filed).

Nonresidents of Wisconsin for all of 1998.

For nonresident individuals (except nonresidents married to a part-year resident or full-year resident of Wisconsin in 1998 whose rebate is computed as explained above), the sales tax rebate is 30.4% of documented nonbusiness consumer sales taxes paid to Wisconsin in 1998, up to a maximum rebate of \$267. To be eligible for the rebate, the documented amount of nonbusiness consumer sales taxes paid to Wisconsin must be at least \$20.

# Who Must File a Claim?

Full-year residents and part-year residents of Wisconsin in 1998 who did **not** file a 1998 Wisconsin income tax return or 1998 homestead credit claim by October 15, 1999, are eligible to receive a rebate only if the individual files a claim with the Department of Revenue not later than June 30, 2000. The claim shall be filed on a form prepared by the department.

A nonresident of Wisconsin in 1998 is eligible to receive a rebate if the individual files a claim with the Department of Revenue not later than December 20, 1999. The claim shall be filed on a form prepared by the department. The form shall require a nonresident to document his or her nonbusiness consumer sales taxes paid to Wisconsin in 1998. If a nonresident is married and his or her spouse was also a nonresident of Wisconsin in 1998, only a single, combined claim may be filed.

Copies of the forms to be used to file a claim for the sales tax rebate (Form STR for full-year and party-year residents, and Form NSTR for nonresidents) appear on pages 5 to 8 of this issue.

**Note:** Full-year residents and part-year residents of Wisconsin in 1998 who filed a 1998 Wisconsin income tax return or homestead credit claim by October 15, 1999 do not have to file a claim for the sales tax rebate. They will automatically be issued the sales tax rebate based on the information on their 1998 income tax return or homestead credit claim.

# **Other Limitations and Conditions**

The department may only consider adjustments or amendments made to a 1998 Wisconsin income tax return on or before October 15, 1999, in its calculation of the rebate.

The department may offset the amount of the rebate against any liability owed to the Department of Revenue or against debts owed to other state agencies, municipalities, or counties that have been certified to the department. With regard to a married couple for whom an offset must be made against a debt that is owed by only one of the spouses, each spouse shall be considered to have a 50% ownership interest in the rebate.

After a rebate check has been issued but before the check has been cashed, either joint claimant may request a separate check for 50% of the joint rebate.

If the department is unable to locate an individual or married couple who is eligible to receive a rebate by December 31, 2000, or if an individual or married couple who is issued a check does not cash the check by December 31, 2000, the right to the rebate lapses.

If an individual who was a full-year or part-year resident in 1998, and who filed a 1998 Wisconsin income tax return or 1998 homestead credit claim before October 15, 1999, dies after he or she filed the return or homestead credit claim, the amount of the rebate for which the claimant is eligible shall be paid to the claimant's estate.

The department shall calculate the rebate for the family only of an individual who has been, or was incarcerated in a state or federal prison at any time during 1998. The department may not send any rebate checks to any state or federal prison facility.

The department may enforce the rebate and may take any action, conduct any proceeding, and proceed as it is authorized in respect to taxes under chapter 71 of the Wisconsin Statutes. The income tax provisions in chapter 71 relating to

assessments, refunds, appeals, collection, interest, and penalties apply to the sales tax rebate.

2. School Property Tax/Rent Credit No Longer Available (1999 Wisconsin Act 10, amend sec. 71.07(9)(b)1, repeal sec. 71.07(9)(b)3 and (g), as created by 1999 Wisconsin Act 9, effective November 19, 1999, and create sec. 71.07(9)(b)4, effective for taxable years beginning after December 31, 1998.)

The school property tax /rent credit is no longer available for taxable years beginning after December 31, 1998.

**Note:** As a result of the elimination of the school property tax/rent credit for tax year 1999, the preliminary drafts of the Wisconsin income tax forms that were printed in the October 1999 *Wisconsin Tax Bulletin* #115 are no longer valid. See pages 9 to 11 of this issue for a revised copy of Form 1 that reflects the removal of the lines pertaining to the school property tax/rent credit. The school property tax/rent credit line will also be removed from the 1999 Forms 1A, WI-Z, and 1NPR.

# Wisconsin Department of Revenue

# **Application for Sales Tax Rebate**

Complete this application only if you or your spouse were a full-year or part-year resident of Wisconsin in 1998.

Form STR

Before you fill out this application, read the instructions on the back to see if you are eligible.

Your							
ĺ	last name		First name and middle initial		Social security r	number	
If married filing a joint claim, spouse's last name		ouse's last name	First name and middle initial	First name and middle initial		Social security number	
Hom	ne address (number and stre	et)					
City	or post office			State	Zin oodo		
City	or post office			State	Zip code		
			no later than June 30, 2000.	Applications	postmarked a	fter June 30	
200	0 will not be accep	oted.					
1	Were you a full-year	or part-year res	ident of Wisconsin during 1998?				
	Yes No	If yes, indicat	e the dates you resided in Wiselow:	consin and th	e address you	lived at in	
			esident of Wisconsin from			, 1998	
		and resided at			, WI.		
		during 1998 (	complete this form. Persons we except persons married to a full to the file Form NSTR to claim a	II-year or part	t-year resident		
2	Did you file a 1998 \	Visconsin incom	e tax return or homestead credit	claim by Octob	per 15, 1999?		
	Yes No	If yes, do not complete this form. Your sales tax rebate will be issued to you automatically based on your 1998 return or homestead credit claim.					
3	Were you claimed a	s a dependent or	n anyone else's 1998 federal inco	ome tax return	?		
	Yes No	If yes, stop he	ere. You are not eligible for the	sales tax reb	oate.		
	Fill in \$184 (\$360 if your sales tax rebat	υ,	oint claim). This is the amount of		4		
11	der penalties of law, i	declare that this	application is correct and comp	lete to the besi	t of my knowledg	ge or belief.	
Unc	signature		Spouse's signature if a joint claim		Date		
	Signature		.,				

Mail Form STR no later than June 30, 2000, to:

Wisconsin Department of Revenue Sales Tax Rebate PO Box 8937 Madison, WI 53708-8937

# Instructions for Sales Tax Rebate

#### Who should file Form STR

If you were a full-year or part-year resident of Wisconsin in 1998 and you did *not* file a 1998 Wisconsin income tax return or a 1998 homestead credit claim by October 15, 1999, you must fill out Form STR to claim the rebate of Wisconsin sales tax paid in 1998.

# Special Situations

If you were married as of December 31, 1998, and both you and your spouse were either a full-year or part-year resident of Wisconsin in 1998, you may choose to file either one "joint" claim or two "separate" claims. If you file a joint claim, fill in both spouses' names and social security numbers on Form STR. If you file a separate claim, fill in only your own name and social security number.

If you were married as of December 31, 1998, but your spouse is now deceased, you may still file a joint claim. Write "deceased" after your spouse's name in the name and address area at the top of Form STR.

A claim may be filed on behalf of a person who was a full-year or part-year resident for 1998 but who died after 1998. If there is no estate to probate, a surviving heir may file Form STR for the person who died. If there is an estate, the personal representative for the estate must file the Form STR. The person filing Form STR should sign it and indicate his or her relationship to the person who died (for example, "surviving heir" or "personal representative").

# Who should not file Form STR

Do not complete this form if:

- You were a full-year or part-year resident of Wisconsin in 1998 and filed a 1998 Wisconsin income tax return or 1998 homestead credit claim by October 15, 1999. (You will be sent a rebate automatically if you are eligible.)
- You were claimed as a dependent on anyone else's 1998 federal income tax return. (You are eligible for a rebate only if you filed a 1998 Wisconsin income tax return, had an income of at least \$5,000, and a net tax liability of \$1 or more. If you meet these limitations, you will be sent a rebate automatically, and should not file Form STR.)
- You were incarcerated in a state or federal prison at any time during 1998. (You are not eligible to claim a rebate. However, if you were married as of December 31, 1998, your spouse may still be eligible to file Form STR.)

• You were a nonresident of Wisconsin in 1998. (Exception: If you were married as of December 31, 1998, to an individual who was a full-year or part-year resident of Wisconsin in 1998, you may file a joint claim on Form STR with your spouse.)

## What is the sales tax rebate?

A law passed in November, 1999 allows a rebate of Wisconsin state sales tax paid in 1998. For eligible individuals who were full-year or part-year residents of Wisconsin in 1998, but did not file a 1998 Wisconsin income tax return or homestead credit claim, the rebate amount is \$184 (\$360 if married filing a joint claim).

If you owe delinquent Wisconsin taxes or debts to other state agencies, counties, or municipalities which have been certified to the department, Wisconsin law requires the Department of Revenue to apply your rebate to the amount you owe. If you owe less than the amount of your rebate, you will receive the difference.

# **Signature**

You must sign Form STR. If you are married and filing a joint claim, both spouses must sign. An unsigned application is considered incomplete and your right to claim a rebate will be denied.

# When to file

Mail your application no later than June 30, 2000, to the address shown at the bottom of Form STR.

Applications postmarked after June 30, 2000, will not be accepted.

You can expect to receive your rebate check within approximately 10 weeks. If your rebate check is not cashed by December 31, 2000, your right to the rebate lapses.

# **Questions?**

If you have questions on how to complete this form, call (608) 266-2772 or (608) 267-9420.

**NOTE:** Beginning November 29, 1999, you may call our toll-free number: (877) 973-2283.

TTY users may call the department at (608) 267-1049 in Madison or (414) 227-4147 in Milwaukee. These numbers are to be used only when calling with TTY equipment.

# Wisconsin Department of Revenue

# **Application for Nonresident Sales Tax Rebate**

Do NOT complete this application if you or your spouse were a full-year or part-year resident of Wisconsin in 1998.



Before you fill out this application, read the instructions on the back to see if you are eligible.

Your last name  If married, spouse's last name		First name and middle initial  First name and middle initial		Social security number  Social security number		
						Hon
City	or post office		State	Zip code		
	mplete and return this application cember 20 will not be accepted.	no later than December 20, 19	999. Applica	tions postmarked after		
1a	Were you claimed as a dependent on	•	me tax return'	?		
		Yes No If yes, go on to question 1b.  If no, skip question 1b and go on to line 2.				
1b	rebate.	tax return (Form 1NPR) which seed no to question 1b, stop here	e. You are not			
2	Fill in the Wisconsin state sales tax (5% of the taxable purchase price) you paid in 1998 on nonbusiness consumer purchases. (You must attach your original receipts showing Wisconsin state sales tax paid and the date of purchase.)					
3	Multiply line 2 by .304 (30.4%) and fill	in the result		3		
4	Fill in the lesser of the amount on line 3 or \$267. This is the amount of your sales tax rebate					
Und	der penalties of law, I declare that this	application is correct and comple	ete to the best	of my knowledge or belief.		
	r signature	Spouse's signature		Date		

You must attach to this application your original receipts.

Mail Form NSTR and the required attachments no later than December 20, 1999, to:

Wisconsin Department of Revenue Nonresident Sales Tax Rebate PO Box 8937 Madison, WI 53708-8937

# Instructions for Nonresident Sales Tax Rebate

#### Who should file Form NSTR

If you were a *nonresident* of Wisconsin for all of 1998, you must fill out Form NSTR to claim the rebate of Wisconsin sales tax paid in 1998. However, see exceptions below.

# **Exceptions**

Certain persons do *not* qualify for the sales tax rebate. You do *not* qualify if:

- you paid less than \$20 of Wisconsin state sales tax on nonbusiness consumer purchases in 1998, or
- you were incarcerated in a state or federal prison at any time during 1998, or
- you were claimed as a dependent on anyone else's 1998 federal income tax return (unless you filed a 1998 Wisconsin income tax return [Form 1NPR] and the amount on line 28 of your Form 1NPR was \$5,000 or more and the amount on line 49 of your Form 1NPR was \$1 or more).

Do not complete this form if

- you were married and your spouse was a full-year or part-year resident of Wisconsin (only your spouse is eligible for the rebate), or
- you were a full-year or part-year resident of Wisconsin in 1998. (If you filed a 1998 Wisconsin income tax return, you will be sent a rebate automatically. If you did not file a 1998 Wisconsin income tax return, you must file Form STR to claim the rebate.)

#### What is the sales tax rebate?

A law passed in 1999 allows a rebate of Wisconsin state sales tax paid in 1998. The rebate amount for a qualifying nonresident is the lesser of 30.4% of the Wisconsin state sales tax you paid on nonbusiness consumer purchases in 1998 or \$267.

The Wisconsin state sales tax rate is 5%. Wisconsin state sales tax does not include any local taxes. For example, it does not include county sales tax, stadium tax, premier resort area tax, or local exposition district taxes.

#### **Required information**

You must attach **original** receipts indicating that you paid Wisconsin state sales tax on nonbusiness consumer purchases. The receipts must clearly show the:

- name and location of the seller,
- date of the sale in 1998, and

• amount of Wisconsin state sales tax paid on the purchase. If a receipt shows more than the 5% state sales tax rate, include only the 5% state sales tax.

Receipts will not be returned to you. Be sure to keep copies for your records.

#### Line instructions

**Line 2** From your attached receipts, fill in the total amount of Wisconsin state sales tax you paid in 1998.

Do not include any county sales tax, stadium tax, premier resort area tax, or local exposition taxes paid.

**Line 4** Fill in the amount from line 3 or \$267, whichever is less. This is your sales tax rebate.

If you owe delinquent Wisconsin taxes or debts to other state agencies, counties, or municipalities which have been certified to the department, Wisconsin law requires the Department of Revenue to apply your rebate to the amount you owe. If you owe less than the amount of your rebate, you will receive the difference.

### Signature

You must sign Form NSTR. If you are married, your spouse must also sign. An unsigned application is considered incomplete and your right to claim a rebate will be denied.

#### When to file

Mail your application and attachments no later than December 20, 1999, to the address shown at the bottom of Form NSTR.

Applications postmarked after December 20 will not be accepted.

You can expect to receive your rebate check within approximately 10 weeks. If your rebate check is not cashed by December 31, 2000, your right to the rebate lapses.

# **Ouestions?**

If you have questions on how to complete this form, call (608) 266-2772 or (608) 267-9420.

TTY users may call the department at (608) 267-1049 in Madison or (414) 227-4147 in Milwaukee. These numbers are to be used only when calling with TTY equipment.

Wisconsin income tax For the year Jan. 1-Dec. 31, 1999, or Complete form using BLUE or BLACK INK 1999 ending other tax year beginning Your last name First name and middle initial You must fill in your social security number print If a joint return, spouse's last name First name and middle initia ō You must fill in spouse's social security number label Home address (number and street) **Quick Refund** City or post office Zip code Do you qualify? (see page 5) Filing status Check only one box If you want \$1 to go to the State Election Campaign Fund, check box(es). You Your spouse Single Checking the box(es) will not change your tax or refund. Married filing joint return Check proper box and fill in name of city, village, or town, and the county in which you lived at the end of 1999. Married filing separate return. Fill in spouse's full name and social security number City Village Head of household (with qualifying person) County of Town Fill in qualifying person's name School district Fill in your school district number (see page 30) 1 Federal adjusted gross income (see page 6) ...... 3 Add lines 1 through 4 . . State tax refund (Form 1040, line 10) ...... 6 United States government interest..... 7 Unemployment compensation (see page 8) ..... Social security adjustment (see page 9) . . . . . . . Capital gain/loss subtraction (see page 9)..... 10 Add lines 6 through 11 . . . . . . . . . . . . 12 Subtract line 12 from line 5. This is your Wisconsin income. PAPER CLIP check or money order here Tax. (See page 14) Check if from Tax Table or Special Tax Worksheet . . . 14 Dependent credit. Fill in number of dependents x \$50 = ...(do **not** count yourself or spouse) . . . . . . . . . Senior citizen credit (Caution: see page 15) . . . . . . Itemized deduction credit. Attach Schedule 1, page 3.. 17 17 Working families tax credit If line 13 is less than אוט,טיט, פופט filing joint), see page 16 ... If line 13 is less than \$10,000 (\$19,000 if



Subtract line 19 from line 14. If line 19 is larger than line 14, fill in -0-..... 20

18



Form	n 1 (1999) Page 2				
21	Amount from line 20				
22	Alternative minimum tax. Attach Schedule MT				
23	Add lines 21 and 22				
24	Married couple credit. Attach Schedule 2 on page 3 24				
25	Manufacturer's sales tax credit. Attach Schedule MS 25				
26	Add lines 24 and 25				
27	Subtract line 26 from line 23. If line 26 is larger than line 23, fill in -0 This is your net tax 27				
28	Sales and use tax due on out-of-state purchases (see page 17)				
29	Endangered resources donation (decreases refund or increases amount owed) 29 29				
30	Penalties on IRAs, other retirement plans, MSAs, etc. (see page 18) x .33 =				
31	Add lines 27 through 30				
32	Wisconsin tax withheld. Attach withholding statements 32				
33	1999 estimated tax payments and amount applied from 1998 return				
34	Earned income credit. Qualifying children				
	Federal credit% = 34				
35	Farmland preservation credit. Attach Schedule FC 35				
36	Net income tax paid to another state (see page 19) 36				
37	Homestead credit. Attach Schedule H				
38	Farmland tax relief credit.				
	Property taxes on farmland				
39	Add lines 32 through 38				
40	If line 39 is larger than line 31, subtract line 31 from line 39. This is the amount <b>OVERPAID 40</b>				
41	Amount of line 40 you want <b>REFUNDED TO YOU</b>				
42	Amount of line 40 you want  APPLIED TO YOUR 2000 ESTIMATED TAX				
43	If line 39 is smaller than line 31, subtract line 39 from line 31. This is the  AMOUNT YOU OWE. Paper clip payment to front of return				
	Attach copies of your withholding statements and your federal income tax return and schedules to this return in the order listed on page 21.				
Si	Sign here				
Your	Under penalties of law, I declare that this return and all attachments are true, correct, and complete to the best of my knowledge and belief.    Spouse's signature   Spouse's signature (if filing jointly, BOTH must sign)   Date   Daytime phone				
	( )				
If t If r	your return to: Wisconsin Department of Revenue For Department Use Only ax due				

If homestead credit claimed.... P.O. Box 34, Madison, WI 53786-0001



Submit this page with Form 1 if you claim either credit.

Form 1 (1999)

Page 3

Nan	ne(s) shown on Form 1	Your social securi	ty number			
			<u> </u>			
Schedule 1 – Itemized Deduction Credit (see page 15)						
1	Medical and dental expenses from line 4, federal Schedule A. See instructions for exceptions					
2	Interest paid from line 14, federal Schedule A. Do not include interest paid on a second home located outside Wisconsin or on a residence which is a boat. Also, do not include interest paid to purchase or hold U.S. government securities					
3	Gifts to charity from line 18, federal Schedule A. See instructions for exceptions					
4	Job expenses and miscellaneous deductions from line 26, federal Schedule A. See instructions for exceptions					
5	Other miscellaneous deductions from line 27, federal Schedule A. See instructions for exceptions					
6	Add lines 1 through 5					
7	Using Wisconsin income from line 13 on page 1, find your standard deduction from table on page 29. (If Special Tax Worksheet on page 15 used, fill in the standard deduction from line 6 of that worksheet.)		<u> </u>			
8	Subtract line 7 from line 6. If line 7 is more than line 6, fill in -0	,				
9	Rate of credit is .05 (5%)		x .05			
10	Multiply line 8 by line 9. Fill in here and on line 17 on page 1					
1	employe compensation. Do NOT enter interest, dividends, pensions, unemployment compensation, or other unearned income					
	earned income					
4	Add amounts from your federal Form 1040, lines 23 and 29, plus repayment of supplemental unemployment benefits, employe expenses of qualified performing artists and fee-basis state or local government officials, and contributions to Section 501(c)(18) pension plans included in line 32, and any Wisconsin disability income exclusion. Fill in the total of these adjustments that apply to your or your spouse's income	<b></b> ,	□.□			
5	Subtract line 4 from line 3. This is qualified earned income. If less than zero, fill in -0 5	<b></b> ,				
6	Compare the amounts in columns (A) and (B) of line 5. Fill in the smaller amount here. If more than \$14,000, fill in \$14,000 6					
7	Rate of credit is .025 (2.50%)	Do not fill :-				
8		Do not fill in more than \$35	0.			