



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3801/P3  
MES&JK:cmh:jfA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

FMR

NOW

D-note

gen

1 AN ACT to repeal 71.07 (9) (b) 3.; to amend 71.07 (9) (g); to create 20.835 (2) (am)  
2 and 71.05 (1) (d) of the statutes; and to affect 1999 Wisconsin Act .... (Assembly  
3 Bill 133), section 9143 (3g); relating to: creating a tax rebate for individuals,  
4 repealing the school property tax rent credit, reducing the amount that is  
5 available under the school levy tax credit and making an appropriation.

**Analysis by the Legislative Reference Bureau**

To be provided in a future version of the bill.

INS-ANL

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

6 SECTION 1. 20.835 (2) (am) of the statutes is created to read:  
7 20.835 (2) (am) ~~Onetime sales tax~~ <sup>Onetime sales tax</sup> ~~rebate~~. A sum sufficient to pay the aggregate claims  
8 approved under ~~1999 Wisconsin Act ... (this act), section 6~~ <sup>s. 77.64</sup>

9 SECTION 2. 71.05 (1) (d) of the statutes is created to read:  
10 71.05 (1) (d) ~~Taxpayer~~ <sup>Onetime sales tax</sup> ~~rebate~~. Any amount received as a taxpayer rebate from  
11 a claim approved under ~~1999 Wisconsin Act ... (this act), section 6~~ <sup>s. 77.64</sup>

1 SECTION 3. 71.07 (9) (b) 3. of the statutes, as created by 1999 Wisconsin Act ....  
2 (Assembly Bill 133), is repealed.

3 SECTION 4. 71.07 (9) (g) of the statutes, as created by 1999 Wisconsin Act ....  
4 (Assembly Bill 133), is amended to read:

5 71.07 (9) (g) No new claim may be filed under this subsection for a taxable year  
6 that begins after December 31, 2000 1998.

7 SECTION ~~4~~ 1999 Wisconsin Act .... (Assembly Bill 133), section 9143 (3g) is  
8 repealed.

9 SECTION ~~4~~ Nonstatutory provisions. <sup>CR; 77.64</sup> ~~77.64~~ <sup>(B)</sup>  
10 ~~(1) TAXPAYER REBATE. 77.64 One time sales tax rebate~~

INSA  
MOVE  
TO  
P. 8  
for  
comment

11 (B) (1) <sup>(B)</sup> Definitions. In this subsection: sub. (3)

12 (a) ~~2~~ "Claimant" means an individual who is eligible under ~~paragraph (a)~~ to  
13 receive or claim a rebate under this ~~section~~ section.

14 (b) ~~2~~ "Department" means the department of revenue.

15 (c) ~~2~~ "Nonresident" means an individual who was not a resident of this state for  
16 any part of 1998.

17 (d) ~~2~~ "Part-year resident" means an individual who was a resident of this state  
18 for some part of 1998.

19 (e) ~~2~~ "Resident" means an individual who was a full-year resident of this state in  
20 1998.

21 (2) <sup>(C3)</sup> Claims. Subject to the limitations and conditions under <sup>sub. (5)</sup> ~~paragraph (a)~~ a  
22 claimant may claim, or is eligible to receive, a rebate that is calculated under  
23 ~~paragraph (a)~~ <sup>sub. (5)</sup> The department shall certify the amount of the rebate for which the  
24 claimant is eligible to the department of administration for payment to the claimant

S. ~~20.835~~

1 by check, share draft or other draft paid from the appropriation under ~~§ 400.10~~ 20.835

2 (2) (am) ~~of the statutes.~~

3 ~~(3) Eligibility.~~ (3) Eligibility.

4 (a) ~~2~~ An individual who was a resident and who filed a 1998 Wisconsin income tax  
5 return or 1998 homestead credit claim is eligible to receive a rebate under ~~paragraph~~

6 ~~sub. (2)~~ sub. (2)

7 (b) ~~2~~ An individual who was a resident and who did not file a 1998 Wisconsin  
8 income tax return or 1998 homestead credit claim by October 15, 1999, is eligible to

9 receive a rebate under ~~paragraph (b)~~ <sup>sub. (2)</sup> only if the individual files a claim with the  
10 department not later than June 30, 2000. The claim shall be filed on a form prepared

11 by the department not later than 60 days after the effective date of this ~~subdivision~~ <sup>paragraph</sup>

12 (c) ~~2~~ An individual who was a part-year resident and who filed a 1998 Wisconsin  
13 income tax return or a married couple, of whom one of the spouses was a part-year

14 resident and the other spouse was either a part-year resident or a resident, and who  
15 filed a 1998 Wisconsin income tax return, is eligible to receive a rebate under

16 ~~paragraph (b)~~ <sup>sub. (2)</sup> calculated by the department based on the individual's or couple's  
17 Wisconsin adjusted gross income, multiplied by fraction. For an individual, the

18 numerator of the fraction is the number of months in 1998 during which the  
19 individual was a resident of this state and the denominator of the fraction is 12. For

20 a married couple, the numerator of the fraction is the sum of the number of months  
21 in 1998 during which each spouse was a resident of this state and the denominator

22 of the fraction is 24. ~~24~~

23 (d) ~~2~~ An individual who was a part-year resident and who did not file a 1998  
24 Wisconsin income tax return by October 15, 1999, or a married couple, of whom one

25 of the spouses was a part-year resident and the other spouse was either a part-year

revis ins dat

1 resident or a resident, and who did not file a 1998 Wisconsin income tax return by  
 2 October 15, 1999, is eligible to receive a rebate under ~~paragraph (b)~~ <sup>sub. (2)</sup> calculated by  
 3 the department, only if the individual or couple files a claim with the department not  
 4 later than June 30, 2000. The claim shall be filed on a form prepared by the  
 5 department not later than 60 days after the effective date of this ~~subdivision~~ <sup>paragraph...</sup> based  
 6 on the ~~factors described in subdivision (b)~~ <sup>individual's or couple's Wisconsin adjusted gross income</sup> [revisor insert date.]

7 (e) ~~3~~ An individual who was a nonresident is eligible to receive a rebate under  
 8 ~~paragraph (b)~~ <sup>sub. (2)</sup> if the individual files a claim with the department not later than 120  
 9 days after the effective date of this ~~subdivision~~ <sup>paragraph ... [revisor inserts date.]</sup>. The claim shall be filed on a form  
 10 prepared by the department not later than 60 days after the effective date of this  
 11 ~~subdivision~~ <sup>paragraph ... [revisor inserts date.]</sup>. The form shall require a nonresident to document his or her sales taxes  
 12 paid to Wisconsin in 1998, and the documented amount must be at least \$20 for a  
 13 nonresident to be eligible to receive a rebate under ~~paragraph (b)~~ <sup>sub. (2)</sup>

14 (4) <sup>(3)</sup> ~~(a)~~ Calculation.

15 (a) ~~3~~ A claimant who is a resident and married and filed a joint 1998 Wisconsin  
 16 income tax return or 1998 homestead credit claim, or a claimant who filed a 1998  
 17 Wisconsin income tax return as a head of household, shall be eligible for a rebate in  
 18 one of the following amounts: *or head of household's*

19 <sup>1</sup> If the couple's 1998 Wisconsin adjusted gross income is not more than  
 20 \$25,000, \$337.

21 <sup>2</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$25,000  
 22 but not more than \$50,000, \$345.

23 <sup>3</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$50,000  
 24 but not more than \$75,000, \$362.

*or head of household's*

1 <sup>4</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$75,000  
2 but not more than \$100,000, \$380.

3 <sup>5</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$100,000  
4 but not more than \$200,000, \$414.

5 <sup>6</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$200,000  
6 but not more than \$500,000, \$457.

7 <sup>7</sup> If the couple's 1998 Wisconsin adjusted gross income is more than \$500,000,  
8 \$500.

9 (b) A claimant who is a resident and single and filed a 1998 Wisconsin income  
10 tax return or 1998 homestead credit claim, or who is a resident and married and filed  
11 a separate 1998 Wisconsin income tax return, shall be eligible for a rebate in one of  
12 the following amounts:

13 <sup>1</sup> If the individual's 1998 Wisconsin adjusted gross income is not more than  
14 \$25,000, \$190.

15 <sup>2</sup> If the individual's 1998 Wisconsin adjusted gross income is more than  
16 \$25,000 but not more than \$50,000, \$198.

17 <sup>3</sup> If the individual's 1998 Wisconsin adjusted gross income is more than  
18 \$50,000 but not more than \$75,000, \$216.

19 <sup>4</sup> If the individual's 1998 Wisconsin adjusted gross income is more than  
20 \$75,000 but not more than \$100,000, \$233.

21 <sup>5</sup> If the individual's 1998 Wisconsin adjusted gross income is more than  
22 \$100,000 but not more than \$200,000, \$267.

23 <sup>6</sup> If the individual's 1998 Wisconsin adjusted gross income is more than  
24 \$200,000 but not more than \$500,000, \$311.

1 <sup>7</sup>  
2 If the individual's 1998 Wisconsin adjusted gross income is more than  
3 \$500,000, \$354.

4 (c) ~~3~~. A claimant who files a form specified in ~~paragraph (a)~~ <sup>sub. (3)(b)</sup> shall be eligible for  
5 a rebate in an amount specified in ~~subdivision (a) or (b)~~ <sup>par. (a) 1, or (b) 1.</sup> depending on the  
6 individual's filing status.

7 (d) ~~4~~. A claimant to whom ~~paragraph (a)~~ <sup>sub. (3)(c)</sup> applies shall be eligible for a rebate in  
8 amount specified in ~~subdivision (a) or (b)~~ <sup>par. (a) (b)</sup> depending on the individual's filing status  
9 and Wisconsin adjusted gross income, and modified by the calculations described in  
10 ~~paragraph (a)~~ <sup>sub. (3)(d)</sup>

11 (e) ~~5~~. A claimant who files a form specified in ~~paragraph (a)~~ <sup>sub. (3)(d)</sup> shall be eligible for  
12 a rebate in an amount specified in ~~subdivision (a) or (b)~~ <sup>par. (a) 1, or (b) 1.</sup> depending on the  
13 individual's filing status, and modified by the calculations described in ~~paragraph (a)~~

14 (f) ~~6~~. A claimant under ~~paragraph (a)~~ <sup>sub. (3)(e)</sup> shall be eligible for a rebate that is equal  
15 to 30.4% of documented sales taxes paid to Wisconsin in 1998, up to a maximum  
16 rebate of \$354. <sup>CS 2</sup>

17 (5) ~~(a)~~ *Limitations and conditions.*

18 (a) ~~1~~. The department may not consider any adjustments or amendments made to  
19 a 1998 Wisconsin income tax return after October 15, 1999, in its calculation of a  
20 rebate under this ~~section~~ <sup>section</sup>.

21 (b) ~~2~~. With regard to a married couple for whom an offset under ~~section 71.80 (3)~~ <sup>§</sup>  
22 or (3m) ~~of the statutes~~ must be made against a debt that is owed by only one of the  
23 spouses, each spouse shall be considered by the department to have a 50% ownership  
24 interest in the rebate.

sub. (3)

1 (c) ~~4~~. If an individual who is eligible for a rebate under ~~paragraph (b)~~ filed only a  
2 1998 homestead credit claim, the department shall calculate the individual's rebate  
3 as if the individual's Wisconsin adjusted gross income is \$25,000.

4 (d) ~~4~~. An individual who was claimed as a dependent on another individual's 1998  
5 federal income tax return is not eligible to claim or receive a rebate under this  
6 ~~section~~.

7 (e) ~~4~~. Section 71.80 (3) and (3m) ~~of the statutes~~, as it applies to income tax refunds,  
8 applies to a sales tax rebate under this ~~section~~.

9 (f) ~~4~~. The department may enforce the rebate under this ~~section~~ and may take  
10 any action, conduct any proceeding and proceed as it is authorized in respect to taxes  
11 under chapter 71 ~~of the statutes~~. The income tax provisions in chapter 71 ~~of the~~  
12 ~~statutes~~ relating to assessments, refunds, appeals, collection, interest and penalties  
13 apply to the rebate under this ~~section~~.

14 (g) ~~4~~. After a rebate has been issued under ~~paragraph (b)~~ but before the check,  
15 share draft or other draft has been cashed, either joint claimant may request a  
16 separate check, share draft or other draft for 50% of the joint rebate.

17 (h) ~~4~~. If the department is unable to locate an individual or married couple who is  
18 eligible to receive a rebate under ~~paragraph (b)~~ <sup>sub. (2)</sup> by December 31, 2000, or,  
19 notwithstanding ~~sections~~ <sup>ss.</sup> 14.58 (12) and 20.912 (1) ~~of the statutes~~ and  
20 notwithstanding ~~section~~ <sup>D.</sup> 20.912 (2) and (3) ~~of the statutes~~, as affected by 1999  
21 Wisconsin Act .... (Assembly Bill 133), if an individual or married couple who is issued  
22 a check, share draft or other draft and does not cash the check, share draft or other  
23 draft by December 31, 2000, the right to the rebate lapses.

24 (i) ~~4~~. If a claimant who was a resident and who filed a 1998 Wisconsin income tax  
25 return or 1998 homestead credit claim becomes deceased after he or she filed his or

(6) SUNSET. This section does not apply after December 31, 2000.

1 her income tax return or homestead credit claim, the amount of the rebate for which  
2 the claimant is eligible shall be paid to the claimant's estate.

3 **SECTION 7. Appropriation changes; revenue.**

4 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
5 to the department of revenue under section 20.566 (1) (a) of the statutes, as affected  
6 by the acts of 1999, the dollar amount is increased by \$2,357,500 for fiscal year  
7 1999-00 to increase funding for the purposes for which the appropriation is made.

8 (END)

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p. 2

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3801/lins  
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INS ANL

This bill creates a onetime sales tax rebate for individuals. Under the bill, and subject to a number of conditions and limitations, a claimant may claim, or is eligible to receive, a check if the claimant meets one of the following eligibility criteria:

1. The individual was a full-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or 1998 homestead credit claim or did not file such a return or claim but does file a form to be prepared by the department of revenue (DOR).

2. The individual was a part-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or did not file such a return but does file a form to be prepared by DOR.

3. The individual was a nonresident of this state in 1998 but does file a form to be prepared by DOR.

The amount of the rebate ranges from \$190 to \$500, based on the individual's or couple's 1998 Wisconsin adjusted gross income (WAGI) and filing status, or is calculated by DOR based on the form that is filed by claimants who did not file an income tax return or homestead credit claim. The amount of a part-year resident's rebate is based on the individual's WAGI. A nonresident who can document at least \$20 of sales taxes paid to Wisconsin in 1998 may claim a rebate of 30.4% of sales taxes paid in that year, up to a maximum of \$354. *rebate*

Under the bill, the amount of a rebate for which a claimant is otherwise eligible is offset against outstanding tax liabilities owed to the state. In addition, the rebate may not be claimed by an individual who was claimed as a dependent on another individual's 1998 federal income tax return. If an individual who was a resident and filed a 1998 Wisconsin income tax return or 1998 homestead credit becomes deceased after he or she filed his or income tax or homestead credit return, the amount of rebate for which the claimant is eligible must be paid to the claimant's estate.

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

Under current law, the nonrefundable individual income tax school property tax credit may be claimed for taxable years beginning before January 1, 2001. For taxable year 1999, the credit that may be claimed is 16.4% of the first \$2,000 *of* property taxes accrued or rent constituting property taxes, or 16.4% of those amounts for a married person filing separately. For taxable year 2000, the credit that may be claimed is 10% of the first \$2,000 *of* property taxes accrued or rent constituting property taxes, or 10% of those amounts for a married person filing separately. Under this bill, the school property tax credit may not be claimed for taxable years beginning after December 31, 1998.

Under current law, the amount to be expended for the school levy property tax credit in 2001 is increased by \$60,000,000. This bill repeals that increase.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.



For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

D-note

Please review this bill very carefully to ensure that all of the internal cross-reference changes and <sup>the</sup> other minor changes in the bill are consistent with your intent.

MES

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3801/1dn  
MES:cmh:mrc

October 27, 1999

Please review this bill very carefully to ensure that all of the internal cross-reference changes and the other minor changes in the bill are consistent with your intent.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3801/1dn  
MES:cmh:mrc

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Phone: (608) 266-0129  
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## 1999 BILL

1     **AN ACT to repeal** 71.07 (9) (b) 3.; **to amend** 71.07 (9) (g); **to create** 20.835 (2)  
2             (am), 71.05 (1) (d) and 77.64 of the statutes; and **to affect** 1999 Wisconsin Act  
3             ... (Assembly Bill 133), section 9143 (3g); **relating to:** creating a tax rebate for  
4             individuals, repealing the school property tax rent credit, reducing the amount  
5             that is available under the school levy tax credit and making an appropriation.

---

### *Analysis by the Legislative Reference Bureau*

This bill creates a onetime sales tax rebate for individuals. Under the bill, and subject to a number of conditions and limitations, a claimant may claim, or is eligible to receive, a check if the claimant meets one of the following eligibility criteria:

1. The individual was a full-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or 1998 homestead credit claim or did not file such a return or claim but does file a form to be prepared by the department of revenue (DOR).

2. The individual was a part-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or did not file such a return but does file a form to be prepared by DOR.

3. The individual was a nonresident of this state in 1998 but does file a form to be prepared by DOR.

The amount of the rebate ranges from \$190 to \$500, based on the individual's or couple's 1998 Wisconsin adjusted gross income (WAGI) and filing status, or is calculated by DOR based on the form that is filed by claimants who did not file an

**BILL**

income tax return or homestead credit claim. The amount of a part-year resident's rebate is based on the individual's WAGI. A nonresident who can document at least \$20 of sales taxes paid to Wisconsin in 1998 may claim a rebate of 30.4% of sales taxes paid in that year, up to a maximum rebate of \$354.

Under the bill, the amount of a rebate for which a claimant is otherwise eligible is offset against outstanding tax liabilities owed to the state. In addition, the rebate may not be claimed by an individual who was claimed as a dependent on another individual's 1998 federal income tax return. If an individual who was a resident and filed a 1998 Wisconsin income tax return or 1998 homestead credit becomes deceased after he or she filed his or income tax or homestead credit return, the amount of rebate for which the claimant is eligible must be paid to the claimant's estate.

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

Under current law, the nonrefundable individual income tax school property tax credit may be claimed for taxable years beginning before January 1, 2001. For taxable year 1999, the credit that may be claimed is 16.4% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 16.4% of those amounts for a married person filing separately. For taxable year 2000, the credit that may be claimed is 10% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 10% of those amounts for a married person filing separately. Under this bill, the school property tax credit may not be claimed for taxable years beginning after December 31, 1998.

Under current law, the amount to be expended for the school levy property tax credit in 2001 is increased by \$60,000,000. This bill repeals that increase.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.835 (2) (am) of the statutes is created to read:

2           20.835 (2) (am) *Onetime sales tax rebate.* A sum sufficient to pay the aggregate  
3 claims approved under s. 77.64.

4           **SECTION 2.** 71.05 (1) (d) of the statutes is created to read:

5           71.05 (1) (d) *Onetime sales tax rebate.* Any amount received as a taxpayer  
6 rebate from a claim approved under s. 77.64.

**BILL**

1           **SECTION 3.** 71.07 (9) (b) 3. of the statutes, as created by 1999 Wisconsin Act ....  
2 (Assembly Bill 133), is repealed.

3           **SECTION 4.** 71.07 (9) (g) of the statutes, as created by 1999 Wisconsin Act ....  
4 (Assembly Bill 133), is amended to read:

5           71.07 (9) (g) No new claim may be filed under this subsection for a taxable year  
6 that begins after December 31, ~~2000~~ 1998.

7           **SECTION 5.** 77.64 of the statutes is created to read:

8           **77.64 Onetime sales tax rebate.** (1) **DEFINITIONS.** In this subsection:

9           (a) "Claimant" means an individual who is eligible under sub. (3) to receive or  
10 claim a rebate under this section.

11           (b) "Department" means the department of revenue.

12           (c) "Nonresident" means an individual who was not a resident of this state for  
13 any part of 1998.

14           (d) "Part-year resident" means an individual who was a resident of this state  
15 for some part of 1998.

16           (e) "Resident" means an individual who was a full-year resident of this state  
17 in 1998.

18           (2) **CLAIMS.** Subject to the limitations and conditions under sub. (5) a claimant  
19 may claim, or is eligible to receive, a rebate that is calculated under sub. (5). The  
20 department shall certify the amount of the rebate for which the claimant is eligible  
21 to the department of administration for payment to the claimant by check, share  
22 draft or other draft paid from the appropriation under s. 20.835 (2) (am).

23           (3) **ELIGIBILITY.** (a) An individual who was a resident and who filed a 1998  
24 Wisconsin income tax return or 1998 homestead credit claim is eligible to receive a  
25 rebate under sub. (2).

**BILL****SECTION 5**

1           (b) An individual who was a resident and who did not file a 1998 Wisconsin  
2 income tax return or 1998 homestead credit claim by October 15, 1999, is eligible to  
3 receive a rebate under sub. (2) only if the individual files a claim with the department  
4 not later than June 30, 2000. The claim shall be filed on a form prepared by the  
5 department not later than 60 days after the effective date of this paragraph ....  
6 [revisor inserts date].

7           (c) An individual who was a part-year resident and who filed a 1998 Wisconsin  
8 income tax return or a married couple, of whom one of the spouses was a part-year  
9 resident and the other spouse was either a part-year resident or a resident, and who  
10 filed a 1998 Wisconsin income tax return, is eligible to receive a rebate under sub.  
11 (2), calculated by the department based on the individual's or couple's Wisconsin  
12 adjusted gross income.

13           (d) An individual who was a part-year resident and who did not file a 1998  
14 Wisconsin income tax return by October 15, 1999, or a married couple, of whom one  
15 of the spouses was a part-year resident and the other spouse was either a part-year  
16 resident or a resident, and who did not file a 1998 Wisconsin income tax return by  
17 October 15, 1999, is eligible to receive a rebate under sub. (2), calculated by the  
18 department, only if the individual or couple files a claim with the department not  
19 later than June 30, 2000. The claim shall be filed on a form prepared by the  
20 department not later than 60 days after the effective date of this paragraph ....  
21 [revisor inserts date], based on the individual's or couple's Wisconsin adjusted gross  
22 income.

23           (e) An individual who was a nonresident is eligible to receive a rebate under  
24 sub. (2) if the individual files a claim with the department not later than 120 days  
25 after the effective date of this paragraph .... [revisor inserts date]. The claim shall

**BILL**

1 be filed on a form prepared by the department not later than 60 days after the  
2 effective date of this paragraph .... [revisor inserts date]. The form shall require a  
3 nonresident to document his or her sales taxes paid to Wisconsin in 1998, and the  
4 documented amount must be at least \$20 for a nonresident to be eligible to receive  
5 a rebate under sub. (2).

6 (4) CALCULATION. (a) A claimant who is a resident and married and filed a joint  
7 1998 Wisconsin income tax return or 1998 homestead credit claim, or a claimant who  
8 filed a 1998 Wisconsin income tax return as a head of household, shall be eligible for  
9 a rebate in one of the following amounts:

10 1. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
11 is not more than \$25,000, \$337.

12 2. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
13 is more than \$25,000 but not more than \$50,000, \$345.

14 3. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
15 is more than \$50,000 but not more than \$75,000, \$362.

16 4. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
17 is more than \$75,000 but not more than \$100,000, \$380.

18 5. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
19 is more than \$100,000 but not more than \$200,000, \$414.

20 6. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
21 is more than \$200,000 but not more than \$500,000, \$457.

22 7. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
23 is more than \$500,000, \$500.

24 (b) A claimant who is a resident and single and filed a 1998 Wisconsin income  
25 tax return or 1998 homestead credit claim, or who is a resident and married and filed

**BILL**

1 a separate 1998 Wisconsin income tax return, shall be eligible for a rebate in one of  
2 the following amounts:

3 1. If the individual's 1998 Wisconsin adjusted gross income is not more than  
4 \$25,000, \$190.

5 2. If the individual's 1998 Wisconsin adjusted gross income is more than  
6 \$25,000 but not more than \$50,000, \$198.

7 3. If the individual's 1998 Wisconsin adjusted gross income is more than  
8 \$50,000 but not more than \$75,000, \$216.

9 4. If the individual's 1998 Wisconsin adjusted gross income is more than  
10 \$75,000 but not more than \$100,000, \$233.

11 5. If the individual's 1998 Wisconsin adjusted gross income is more than  
12 \$100,000 but not more than \$200,000, \$267.

13 6. If the individual's 1998 Wisconsin adjusted gross income is more than  
14 \$200,000 but not more than \$500,000, \$311.

15 7. If the individual's 1998 Wisconsin adjusted gross income is more than  
16 \$500,000, \$354.

17 (c) A claimant who files a form specified in sub. (3) (b) shall be eligible for a  
18 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
19 filing status.

20 (d) A claimant to whom sub. (3) (c) applies shall be eligible for a rebate in  
21 amount specified in par. (a) or (b), depending on the individual's filing status and  
22 Wisconsin adjusted gross income.

23 (e) A claimant who files a form specified in sub. (3) (d) shall be eligible for a  
24 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
25 filing status.

**BILL**

1 (f) A claimant under sub. (3) (e) shall be eligible for a rebate that is equal to  
2 30.4% of documented sales taxes paid to Wisconsin in 1998, up to a maximum rebate  
3 of \$354.

4 (5) LIMITATIONS AND CONDITIONS. (a) The department may not consider any  
5 adjustments or amendments made to a 1998 Wisconsin income tax return after  
6 October 15, 1999, in its calculation of a rebate under this section.

7 (b) With regard to a married couple for whom an offset under s. 71.80 (3) or (3m)  
8 must be made against a debt that is owed by only one of the spouses, each spouse shall  
9 be considered by the department to have a 50% ownership interest in the rebate.

10 (c) If an individual who is eligible for a rebate under sub. (3) filed only a 1998  
11 homestead credit claim, the department shall calculate the individual's rebate as if  
12 the individual's Wisconsin adjusted gross income is \$25,000.

13 (d) An individual who was claimed as a dependent on another individual's 1998  
14 federal income tax return is not eligible to claim or receive a rebate under this  
15 section.

16 (e) Section 71.80 (3) and (3m), as it applies to income tax refunds, applies to a  
17 sales tax rebate under this section.

18 (f) The department may enforce the rebate under this section and may take any  
19 action, conduct any proceeding and proceed as it is authorized in respect to taxes  
20 under chapter 71. The income tax provisions in chapter 71 relating to assessments,  
21 refunds, appeals, collection, interest and penalties apply to the rebate under this  
22 section.

23 (g) After a rebate has been issued under sub. (2) but before the check, share  
24 draft or other draft has been cashed, either joint claimant may request a separate  
25 check, share draft or other draft for 50% of the joint rebate.

**BILL****SECTION 5**

1 (h) If the department is unable to locate an individual or married couple who  
2 is eligible to receive a rebate under sub. (2) by December 31, 2000, or,  
3 notwithstanding ss. 14.58 (12) and 20.912 (1) and notwithstanding s. 20.912 (2) and  
4 (3), as affected by 1999 Wisconsin Act ... (Assembly Bill 133), if an individual or  
5 married couple who is issued a check, share draft or other draft and does not cash  
6 the check, share draft or other draft by December 31, 2000, the right to the rebate  
7 lapses.

8 (i) If a claimant who was a resident and who filed a 1998 Wisconsin income tax  
9 return or 1998 homestead credit claim becomes deceased after he or she filed his or  
10 her income tax return or homestead credit claim, the amount of the rebate for which  
11 the claimant is eligible shall be paid to the claimant's estate.

12 (6) SUNSET. This section does not apply after December 31, 2000.

13 **SECTION 6.** 1999 Wisconsin Act ... (Assembly Bill 133), section 9143 (3g) is  
14 repealed.

15 **SECTION 7. Appropriation changes; revenue.**

16 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
17 to the department of revenue under section 20.566 (1) (a) of the statutes, as affected  
18 by the acts of 1999, the dollar amount is increased by \$2,357,500 for fiscal year  
19 1999-00 to increase funding for the purposes for which the appropriation is made.

20 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

October 1999 Special Session

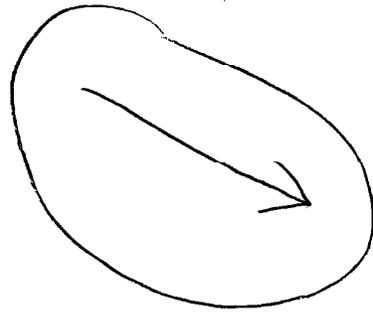
LRB-3836/1  
MES & JK.....

cm/t

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED:  
THURS. 9:00 AM



1

AN ACT ...; relating to: ~~RAM~~ →

*Analysis by the Legislative Reference Bureau*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

(END)

1999 BILL

1 AN ACT *to repeal* 71.07 (9) (b) 3.; *to amend* 71.07 (9) (g); *to create* 20.835 (2)  
2 (am), 71.05 (1) (d) and 77.64 of the statutes; and *to affect* 1999 Wisconsin Act  
3 ~~Assembly Bill 133~~, section 9143 (3g); **relating to:** creating a tax rebate for  
4 individuals, repealing the school property tax rent credit, reducing the amount  
5 that is available under the school levy tax credit and making an appropriation.

***Analysis by the Legislative Reference Bureau***

This bill creates a onetime sales tax rebate for individuals. Under the bill, and subject to a number of conditions and limitations, a claimant may claim, or is eligible to receive, a check if the claimant meets one of the following eligibility criteria:

1. The individual was a full-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or 1998 homestead credit claim or did not file such a return or claim but does file a form to be prepared by the department of revenue (DOR).

2. The individual was a part-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or did not file such a return but does file a form to be prepared by DOR.

3. The individual was a nonresident of this state in 1998 but does file a form to be prepared by DOR.

The amount of the rebate ranges from \$190 to \$500, based on the individual's or couple's 1998 Wisconsin adjusted gross income (WAGI) and filing status, or is calculated by DOR based on the form that is filed by claimants who did not file an

**BILL**

income tax return or homestead credit claim. The amount of a part-year resident's rebate is based on the individual's WAGI. A nonresident who can document at least \$20 of sales taxes paid to Wisconsin in 1998 may claim a rebate of 30.4% of sales taxes paid in that year, up to a maximum rebate of \$354.

Under the bill, the amount of a rebate for which a claimant is otherwise eligible is offset against outstanding tax liabilities owed to the state. In addition, the rebate may not be claimed by an individual who was claimed as a dependent on another individual's 1998 federal income tax return. If an individual who was a resident and filed a 1998 Wisconsin income tax return or 1998 homestead credit becomes deceased after he or she filed his or income tax or homestead credit return, the amount of rebate for which the claimant is eligible must be paid to the claimant's estate.

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

Under current law, the nonrefundable individual income tax school property tax credit may be claimed for taxable years beginning before January 1, 2001. For taxable year 1999, the credit that may be claimed is 16.4% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 16.4% of ~~these amounts~~ for a married person filing separately. For taxable year 2000, the credit that may be claimed is 10% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 10% of ~~these amounts~~ for a married person filing separately. Under this bill, the school property tax credit may not be claimed for taxable years beginning after December 31, 1998.

Under current law, the amount to be expended for the school levy property tax credit in 2001 is increased by \$60,000,000. This bill repeals that increase.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

the first \$1,000 of  
property taxes or rent constituting property taxes

the first \$1,000 of

400

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 1 SECTION 1. 20.835 (2) (am) of the statutes is created to read:
- 2 20.835 (2) (am) *Onetime sales tax rebate.* A sum sufficient to pay the aggregate
- 3 claims approved under s. 77.64.
- 4 SECTION 2. 71.05 (1) (d) of the statutes is created to read:
- 5 71.05 (1) (d) *Onetime sales tax rebate.* Any amount received as a taxpayer
- 6 rebate from a claim approved under s. 77.64.

**BILL**

1           SECTION 3. 71.07 (9) (b) 3. of the statutes, as created by 1999 Wisconsin Act  
2           ~~(Assembly Bill 1337)~~ is repealed. a  
/m

3           SECTION 4. 71.07 (9) (g) of the statutes, as created by 1999 Wisconsin Act  
4           ~~(Assembly Bill 1337)~~ is amended to read: a  
/m

5           71.07 (9) (g) No new claim may be filed under this subsection for a taxable year  
6           that begins after December 31, ~~2000~~ 1998.

7           SECTION 5. 77.64 of the statutes is created to read:

8           **77.64 Onetime sales tax rebate. (1) DEFINITIONS.** In this subsection:

9           (a) "Claimant" means an individual who is eligible under sub. (3) to receive or  
10          claim a rebate under this section.

11          (b) "Department" means the department of revenue.

12          (c) "Nonresident" means an individual who was not a resident of this state for  
13          any part of 1998.

14          (d) "Part-year resident" means an individual who was a resident of this state  
15          for some part of 1998.

16          (e) "Resident" means an individual who was a full-year resident of this state  
17          in 1998.

18          (2) CLAIMS. Subject to the limitations and conditions under sub. (5) a claimant  
19          may claim, or is eligible to receive, a rebate that is calculated under sub. (4). ✓ 4  
/m The  
20          department shall certify the amount of the rebate for which the claimant is eligible  
21          to the department of administration for payment to the claimant by check, share  
22          draft or other draft paid from the appropriation under s. 20.835 (2) (am).

23          (3) ELIGIBILITY. (a) An individual who was a resident and who filed a 1998  
24          Wisconsin income tax return or 1998 homestead credit claim is eligible to receive a  
25          rebate under sub. (2).

**BILL**

1 (b) An individual who was a resident and who did not file a 1998 Wisconsin  
2 income tax return or 1998 homestead credit claim by October 15, 1999, is eligible to  
3 receive a rebate under sub. (2) only if the individual files a claim with the department  
4 not later than June 30, 2000. The claim shall be filed on a form prepared by the  
5 department not later than 60 days after the effective date of this paragraph ....  
6 [revisor inserts date].

7 (c) An individual who was a part-year resident and who filed a 1998 Wisconsin  
8 income tax return or a married couple, of whom one of the spouses was a part-year  
9 resident and the other spouse was either a part-year resident or a resident, and who  
10 filed a 1998 Wisconsin income tax return, is eligible to receive a rebate under sub.  
11 (2), calculated by the department based on the individual's or couple's Wisconsin  
12 adjusted gross income.

13 (d) An individual who was a part-year resident and who did not file a 1998  
14 Wisconsin income tax return by October 15, 1999, or a married couple, of whom one  
15 of the spouses was a part-year resident and the other spouse was either a part-year  
16 resident or a resident, and who did not file a 1998 Wisconsin income tax return by  
17 October 15, 1999, is eligible to receive a rebate under sub. (2), calculated by the  
18 department, only if the individual or couple files a claim with the department not  
19 later than June 30, 2000. The claim shall be filed on a form prepared by the  
20 department not later than 60 days after the effective date of this paragraph ....

21 [revisor inserts date] based on the individual's or couple's Wisconsin adjusted gross

22 ~~income~~ ←

23 (e) An individual who was a nonresident is eligible to receive a rebate under  
24 sub. (2) if the individual files a claim with the department not later than 120 days  
25 after the effective date of this paragraph .... [revisor inserts date]. The claim shall

**BILL**

1 be filed on a form prepared by the department not later than 60 days after the  
2 effective date of this paragraph .... [revisor inserts date]. The form shall require a  
3 nonresident to document his or her sales taxes paid to Wisconsin in 1998, and the  
4 documented amount must be at least \$20 for a nonresident to be eligible to receive  
5 a rebate under sub. (2).

6 (4) CALCULATION. (a) A claimant who is a resident and married and filed a joint  
7 1998 Wisconsin income tax return or 1998 homestead credit claim, or a claimant who  
8 filed a 1998 Wisconsin income tax return as a head of household, shall be eligible for  
9 a rebate in one of the following amounts:

10 1. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
11 is not more than \$25,000, \$337.

12 2. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
13 is more than \$25,000 but not more than \$50,000, \$345.

14 3. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
15 is more than \$50,000 but not more than \$75,000, \$362.

16 4. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
17 is more than \$75,000 but not more than \$100,000, \$380.

18 5. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
19 is more than \$100,000 but not more than \$200,000, \$414.

20 6. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
21 is more than \$200,000 but not more than \$500,000, \$457.

22 7. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
23 is more than \$500,000, \$500.

24 (b) A claimant who is a resident and single and filed a 1998 Wisconsin income  
25 tax return or 1998 homestead credit claim, or who is a resident and married and filed

**BILL**

1 a separate 1998 Wisconsin income tax return, shall be eligible for a rebate in one of  
2 the following amounts:

3 1. If the individual's 1998 Wisconsin adjusted gross income is not more than  
4 \$25,000, \$190.

5 2. If the individual's 1998 Wisconsin adjusted gross income is more than  
6 \$25,000 but not more than \$50,000, \$198.

7 3. If the individual's 1998 Wisconsin adjusted gross income is more than  
8 \$50,000 but not more than \$75,000, \$216.

9 4. If the individual's 1998 Wisconsin adjusted gross income is more than  
10 \$75,000 but not more than \$100,000, \$233.

11 5. If the individual's 1998 Wisconsin adjusted gross income is more than  
12 \$100,000 but not more than \$200,000, \$267.

13 6. If the individual's 1998 Wisconsin adjusted gross income is more than  
14 \$200,000 but not more than \$500,000, \$311.

15 7. If the individual's 1998 Wisconsin adjusted gross income is more than  
16 \$500,000, \$354.

17 (c) A claimant who files a form specified in sub. (3) (b) shall be eligible for a  
18 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
19 filing status.

20 (d) A claimant to whom sub. (3) (c) applies shall be eligible for a rebate in  
21 <sup>an</sup> amount specified in par. (a) or (b), depending on the individual's filing status and  
22 Wisconsin adjusted gross income.

23 (e) A claimant who files a form specified in sub. (3) (d) shall be eligible for a  
24 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
25 filing status.

**BILL**

1           (f) A claimant under sub. (3) (e) shall be eligible for a rebate that is equal to  
2           30.4% of documented sales taxes paid to Wisconsin in 1998, up to a maximum rebate  
3           of \$354.

4           **(5) LIMITATIONS AND CONDITIONS.** (a) The department may not consider any  
5           adjustments or amendments made to a 1998 Wisconsin income tax return after  
6           October 15, 1999, in its calculation of a rebate under this section.

7           (b) With regard to a married couple for whom an offset under s. 71.80 (3) or (3m)  
8           must be made against a debt that is owed by only one of the spouses, each spouse shall  
9           be considered by the department to have a 50% ownership interest in the rebate.

10          (c) If an individual who is eligible for a rebate under sub. (3) filed only a 1998  
11          homestead credit claim, the department shall calculate the individual's rebate as if  
12          the individual's Wisconsin adjusted gross income is \$25,000.

13          (d) An individual who was claimed as a dependent on another individual's 1998  
14          federal income tax return is not eligible to claim or receive a rebate under this  
15          section.

16          (e) Section 71.80 (3) and (3m), as it applies to income tax refunds, applies to a  
17          sales tax rebate under this section.

18          (f) The department may enforce the rebate under this section and may take any  
19          action, conduct any proceeding and proceed as it is authorized in respect to taxes  
20          under chapter 71. The income tax provisions in chapter 71 relating to assessments,  
21          refunds, appeals, collection, interest and penalties apply to the rebate under this  
22          section.

23          (g) After a rebate has been issued under sub. (2) but before the check, share  
24          draft or other draft has been cashed, either joint claimant may request a separate  
25          check, share draft or other draft for 50% of the joint rebate.

**BILL**

**SECTION 5**

1 (h) If the department is unable to locate an individual or married couple who  
 2 is eligible to receive a rebate under sub. (2) by December 31, 2000, or,  
 3 notwithstanding ss. 14.58 (12) and 20.912 (1) and notwithstanding s. 20.912 (2) and  
 4 (3), as affected by 1999 Wisconsin Act ~~Assembly Bill 1334~~<sup>9</sup>, if an individual or  
 5 married couple who is issued a check, share draft or other draft and does not cash  
 6 the check, share draft or other draft by December 31, 2000, the right to the rebate  
 7 lapses.

8 (i) If a claimant who was a resident and who filed a 1998 Wisconsin income tax  
 9 return or 1998 homestead credit claim becomes deceased after he or she filed his or  
 10 her income tax return or homestead credit claim, the amount of the rebate for which  
 11 the claimant is eligible shall be paid to the claimant's estate.

12 (6) SUNSET. This section does not apply after December 31, 2000.

*(13)  
action Act:  
14*

13 **SECTION 6.** 1999 Wisconsin Act ~~Assembly Bill 1334~~<sup>9</sup>, section 9143 (3g) is  
 14 repealed.

15 **SECTION 7. Appropriation changes; revenue.**

16 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
 17 to the department of revenue under section 20.566 (1) (a) of the statutes, as affected  
 18 by the acts of 1999, the dollar amount is increased by \$2,357,500 for fiscal year  
 19 1999-00 to increase funding for the purposes for which the appropriation is made.

20 (END)

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Thursday, October 28, 1999 9:10 AM  
**To:** Holden, Kerry; Pirlot, R.J.  
**Cc:** Shovers, Marc  
**Subject:** (99-3836/1)



99-3836/1

*Mike Barman*

Mike Barman - Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

-3847/1

October 1999 Special Session ✓

**BILL**

Spec. Sess.

RMNR

NOW

repeal

HAFR Request Sheet

King

Gen Cat.

1 AN ACT to repeal 71.07 (9) (b) 3.; to amend 71.07 (9) (g); to create 20.835 (2)

2 (am), 71.05 (1) (d) and 77.64 of the statutes; and to affect 1999 Wisconsin Act

3 9, section 9143 (3g); relating to: creating a tax rebate for individuals, repealing

4 the school property tax rent credit, reducing the amount that is available under

5 the school levy tax credit and making an appropriation.

**Analysis by the Legislative Reference Bureau**

This bill creates a onetime sales tax rebate for individuals. Under the bill, and subject to a number of conditions and limitations, a claimant may claim, or is eligible to receive, a check if the claimant meets one of the following eligibility criteria:

1. The individual was a full-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or 1998 homestead credit claim or did not file such a return or claim but does file a form to be prepared by the department of revenue (DOR).

2. The individual was a part-year resident of Wisconsin in 1998 and either has filed a 1998 Wisconsin income tax return or did not file such a return but does file a form to be prepared by DOR.

3. The individual was a nonresident of this state in 1998 but does file a form to be prepared by DOR.

The amount of the rebate ranges from \$190 to \$500, based on the individual's or couple's 1998 Wisconsin adjusted gross income (WAGI) and filing status, or is calculated by DOR based on the form that is filed by claimants who did not file an

**BILL**

income tax return or homestead credit claim. The amount of a part-year resident's rebate is based on the individual's WAGI. A nonresident who can document at least \$20 of sales taxes paid to Wisconsin in 1998 may claim a rebate of 30.4% of sales taxes paid in that year, up to a maximum rebate of \$354.

Under the bill, the amount of a rebate for which a claimant is otherwise eligible is offset against outstanding tax liabilities owed to the state. In addition, the rebate may not be claimed by an individual who was claimed as a dependent on another individual's 1998 federal income tax return. If an individual who was a resident and filed a 1998 Wisconsin income tax return or 1998 homestead credit becomes deceased after he or she filed his or income tax or homestead credit return, the amount of rebate for which the claimant is eligible must be paid to the claimant's estate.

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

Under current law, the nonrefundable individual income tax school property tax credit may be claimed for taxable years beginning before January 1, 2001. For taxable year 1999, the credit that may be claimed is 16.4% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 16.4% of the first \$1,000 of property taxes or rent constituting property taxes for a married person filing separately. For taxable year 2000, the credit that may be claimed is 10% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 10% of the first \$1,000 of property taxes or rent constituting property taxes for a married person filing separately. Under this bill, the school property tax credit may not be claimed for taxable years beginning after December 31, 1998.

Under current law, the amount to be expended for the school levy property tax credit in 2001 is increased by \$60,000,400. This bill repeals that increase.

~~This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           SECTION 1. 20.835 (2) (am) of the statutes is created to read:  
2           20.835 (2) (am) *Onetime sales tax rebate*. A sum sufficient to pay the aggregate  
3 claims approved under s. 77.64.

4           ~~SECTION 2. 71.05 (1) (d) of the statutes is created to read:  
5           71.05 (1) (d) *Onetime sales tax rebate*. Any amount received as a taxpayer  
6 rebate from a claim approved under s. 77.64.~~

1           **SECTION 3.** 71.07 (9) (b) 3. of the statutes, as created by 1999 Wisconsin Act 9,  
2 is repealed.

3           **SECTION 4.** 71.07 (9) (g) of the statutes, as created by 1999 Wisconsin Act 9, is  
4 amended to read:

5           71.07 (9) (g) No new claim may be filed under this subsection for a taxable year  
6 that begins after December 31, ~~2000~~ 1998.

7           **SECTION 5.** 77.64 of the statutes is created to read:

8           **77.64 Onetime sales tax rebate. (1) DEFINITIONS.** In this subsection:

9           (a) “Claimant” means an individual who is eligible under sub. (3) to receive or  
10 claim a rebate under this section.

11           (b) “Department” means the department of revenue.

12           (c) “Nonresident” means an individual who was not a resident of this state for  
13 any part of 1998.

14           (d) “Part-year resident” means an individual who was a resident of this state  
15 for some part of 1998.

16           (e) “Resident” means an individual who was a full-year resident of this state  
17 in 1998.

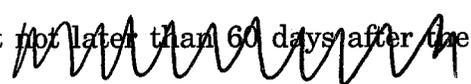
18           **(2) CLAIMS.** Subject to the limitations and conditions under sub. (5) a claimant  
19 may claim, or is eligible to receive, a rebate that is calculated under sub. (4). The  
20 department shall certify the amount of the rebate for which the claimant is eligible  
21 to the department of administration for payment to the claimant by check, share  
22 draft or other draft paid from the appropriation under s. 20.835 (2) (am).

23           **(3) ELIGIBILITY.** (a) An individual who was a resident and who filed a 1998  
24 Wisconsin income tax return or 1998 homestead credit claim is eligible to receive a  
25 rebate under sub. (2).

1 (b) An individual who was a resident and who did not file a 1998 Wisconsin  
2 income tax return or 1998 homestead credit claim by October 15, 1999, is eligible to  
3 receive a rebate under sub. (2) only if the individual files a claim with the department  
4 not later than June 30, 2000. The claim shall be filed on a form prepared by the  
5 department not later than 60 days after the effective date of this paragraph ....  
6 [revisor inserts date].

7 (c) An individual who was a part-year resident and who filed a 1998 Wisconsin  
8 income tax return or a married couple, of whom one of the spouses was a part-year  
9 resident and the other spouse was either a part-year resident or a resident, and who  
10 filed a 1998 Wisconsin income tax return, is eligible to receive a rebate under sub.  
11 (2), calculated by the department based on the individual's or couple's Wisconsin  
12 adjusted gross income.

13 (d) An individual who was a part-year resident and who did not file a 1998  
14 Wisconsin income tax return by October 15, 1999, or a married couple, of whom one  
15 of the spouses was a part-year resident and the other spouse was either a part-year  
16 resident or a resident, and who did not file a 1998 Wisconsin income tax return by  
17 October 15, 1999, is eligible to receive a rebate under sub. (2), calculated by the  
18 department, only if the individual or couple files a claim with the department not  
19 later than June 30, 2000. The claim shall be filed on a form prepared by the  
20 department not later than 60 days after the effective date of this paragraph ....  
21 [revisor inserts date].

22 (e) An individual who was a nonresident is eligible to receive a rebate under  
23 sub. (2) if the individual files a claim with the department not later than <sup>30</sup>/~~120~~ days  
24 after the effective date of this paragraph .... [revisor inserts date]. The claim shall  
25 be filed on a form prepared by the department ~~not later than 60 days after the~~  


1 ~~effective date of this paragraph.... (revisor inserts date)~~ The form shall require a  
2 nonresident to document his or her sales taxes paid to Wisconsin in 1998, and the  
3 documented amount must be at least \$20 for a nonresident to be eligible to receive  
4 a rebate under sub. (2).

5 (4) CALCULATION. (a) A claimant who is a resident and married and filed a joint  
6 1998 Wisconsin income tax return or 1998 homestead credit claim, or a claimant who  
7 filed a 1998 Wisconsin income tax return as a head of household, shall be eligible for  
8 a rebate in one of the following amounts:

9 1. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
10 is not more than \$25,000, \$337.

11 2. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
12 is more than \$25,000 but not more than \$50,000, \$345.

13 3. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
14 is more than \$50,000 but not more than \$75,000, \$362.

15 4. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
16 is more than \$75,000 but not more than \$100,000, \$380.

17 5. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
18 is more than \$100,000 but not more than \$200,000, \$414.

19 6. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
20 is more than \$200,000 but not more than \$500,000, \$457.

21 7. If the couple's or head of household's 1998 Wisconsin adjusted gross income  
22 is more than \$500,000, \$500.

23 (b) A claimant who is a resident and single and filed a 1998 Wisconsin income  
24 tax return or 1998 homestead credit claim, or who is a resident and married and filed

1 a separate 1998 Wisconsin income tax return, shall be eligible for a rebate in one of  
2 the following amounts:

3 1. If the individual's 1998 Wisconsin adjusted gross income is not more than  
4 \$25,000, \$190.

5 2. If the individual's 1998 Wisconsin adjusted gross income is more than  
6 \$25,000 but not more than \$50,000, \$198.

7 3. If the individual's 1998 Wisconsin adjusted gross income is more than  
8 \$50,000 but not more than \$75,000, \$216.

9 4. If the individual's 1998 Wisconsin adjusted gross income is more than  
10 \$75,000 but not more than \$100,000, \$233.

11 5. If the individual's 1998 Wisconsin adjusted gross income is more than  
12 \$100,000 but not more than \$200,000, \$267.

13 6. If the individual's 1998 Wisconsin adjusted gross income is more than  
14 \$200,000 but not more than \$500,000, \$311.

15 7. If the individual's 1998 Wisconsin adjusted gross income is more than  
16 \$500,000, \$354.

17 (c) A claimant who files a form specified in sub. (3) (b) shall be eligible for a  
18 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
19 filing status.

20 (d) A claimant to whom sub. (3) (c) applies shall be eligible for a rebate in an  
21 amount specified in par. (a) or (b), depending on the individual's filing status and  
22 Wisconsin adjusted gross income.

23 (e) A claimant who files a form specified in sub. (3) (d) shall be eligible for a  
24 rebate in an amount specified in par. (a) 1. or (b) 1., depending on the individual's  
25 filing status.

1           (f) A claimant under sub. (3) (e) shall be eligible for a rebate that is equal to  
2           30.4% of documented sales taxes paid to Wisconsin in 1998, up to a maximum rebate  
3           of \$354.

4           (5) LIMITATIONS AND CONDITIONS. (a) The department may not consider any  
5           adjustments or amendments made to a 1998 Wisconsin income tax return after  
6           October 15, 1999, in its calculation of a rebate under this section.

7           (b) With regard to a married couple for whom an offset under s. 71.80 (3) or (3m)  
8           must be made against a debt that is owed by only one of the spouses, each spouse shall  
9           be considered by the department to have a 50% ownership interest in the rebate.

10          (c) If an individual who is eligible for a rebate under sub. (3) filed only a 1998  
11          homestead credit claim, the department shall calculate the individual's rebate as if  
12          the individual's Wisconsin adjusted gross income is \$25,000.

13          (d) An individual who was claimed as a dependent on another individual's 1998  
14          federal income tax return is not eligible to claim or receive a rebate under this  
15          section.

16          (e) Section 71.80 (3) and (3m), as it applies to income tax refunds, applies to a  
17          sales tax rebate under this section.

18          (f) The department may enforce the rebate under this section and may take any  
19          action, conduct any proceeding and proceed as it is authorized in respect to taxes  
20          under chapter 71. The income tax provisions in chapter 71 relating to assessments,  
21          refunds, appeals, collection, interest and penalties apply to the rebate under this  
22          section.

23          (g) After a rebate has been issued under sub. (2) but before the check, share  
24          draft or other draft has been cashed, either joint claimant may request a separate  
25          check, share draft or other draft for 50% of the joint rebate.

1 (h) If the department is unable to locate an individual or married couple who  
2 is eligible to receive a rebate under sub. (2) by December 31, 2000, or,  
3 notwithstanding ss. 14.58 (12) and 20.912 (1) and notwithstanding s. 20.912 (2) and  
4 (3), as affected by 1999 Wisconsin Act 9, if an individual or married couple who is  
5 issued a check, share draft or other draft and does not cash the check, share draft or  
6 other draft by December 31, 2000, the right to the rebate lapses.

7 (i) If a claimant who was a resident and who filed a 1998 Wisconsin income tax  
8 return or 1998 homestead credit claim becomes deceased after he or she filed his or  
9 her income tax return or homestead credit claim, the amount of the rebate for which  
10 the claimant is eligible shall be paid to the claimant's estate.

11 (6) SUNSET. This section does not apply after December 31, 2000.

12 **SECTION 6.** 1999 Wisconsin Act 9, section 9143 (3g) is repealed.

13 **SECTION 7. Appropriation changes; revenue.**

14 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
15 to the department of revenue under section 20.566 (1) (a) of the statutes, as affected  
16 by the acts of 1999, the dollar amount is increased by \$2,357,500 for fiscal year  
17 1999-00 to increase funding for the purposes for which the appropriation is made.

18 (END)

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Thursday, October 28, 1999 6:00 PM  
**To:** Pirlot, R.J.  
**Cc:** Shovers, Marc  
**Subject:** 99-3847/1



99-3847/1

*Mike Barman*

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