AN ACT to amend 71.08 (1) (intro.) and 71.10 (4) (i); and to create 20.835 (2) (cb) and 71.07 (8m) of the statutes; relating to: creating an individual income tax credit for certain medical debt and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a refundable individual income tax credit for costs incurred by an individual for medical debt, which is defined as debt incurred by a claimant for medical or health-related costs attributable to the care and treatment of the claimant’s spouse in the year in which the spouse dies, or in the prior year. The definition of medical debt includes respite, hospice, and palliative care. Under the bill, the maximum credit that a claimant may claim is $10,000. No individual may claim the credit more than once, and no credit is allowed if the claimant’s federal adjusted gross income exceeds $100,000 or if the claimant is married and files a joint return. Because the credit is refundable, if the amount of the claim for which a claimant is eligible exceeds the claimant’s tax liability, the difference will be paid to the claimant by check.

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

20.835 (2) (cb) Medical debt credit. A sum sufficient to pay the claims approved under s. 71.07 (8m).

SECTION 2. 71.07 (8m) of the statutes is created to read:

71.07 (8m) MEDICAL DEBT CREDIT. (a) Definitions. In this subsection:

1. “Claimant” means an individual who files a claim under this subsection.

2. “Medical debt” means debt incurred by a claimant for medical or health-related costs attributable to the care and treatment of the claimant’s spouse in the year in which the spouse dies, or in the year before the year in which the spouse dies, including respite, hospice, and palliative care.

(b) Filing claims. Subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to the amount of medical debt. If the allowable amount of the claim exceeds the income taxes otherwise due on the claimant’s income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (cb).

(c) Limitations. 1. The maximum credit that a claimant may claim under this subsection is $10,000.

2. No credit may be claimed under this subsection by a part-year resident or a nonresident of this state.

3. No credit may be allowed under this subsection unless it is claimed within the period specified in s. 71.75 (2).
4. No credit may be allowed under this subsection for a taxable year covering a period of less than 12 months, except for a taxable year closed by reason of the death of the claimant.

5. No individual may claim the credit under this subsection more than once.

6. No credit may be allowed under this subsection if the claimant’s federal adjusted gross income in the year to which the claim relates exceeds $100,000.

7. No credit may be allowed under this subsection if the claimant is married and files a joint return.

(d) Administration. Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

SECTION 3. 71.08 (1) (intro.) of the statutes, as affected by 2017 Wisconsin Act 58, is amended to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust, or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dx), (2dy), (3m), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (3wm), (3y), (4k), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (5n), (6), (6e), (8m), (8r), (9e), (9m), and (9r), 71.28 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), (3wm), and (3y), 71.47 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), and (3y), 71.57 to 71.61, and subch. VIII and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 4. 71.10 (4) (i) of the statutes, as affected by 2017 Wisconsin Acts 58 and 59, is amended to read:
71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s. 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s. 71.07 (3rm), food processing plant and food warehouse investment credit under s. 71.07 (3rn), business development credit under s. 71.07 (3y), research credit under s. 71.07 (4k) (e) 2. a., film production services credit under s. 71.07 (5f), film production company investment credit under s. 71.07 (5h), veterans and surviving spouses property tax credit under s. 71.07 (6e), medical debt credit under s. 71.07 (8m), enterprise zone jobs credit under s. 71.07 (3w), electronics and information technology manufacturing zone credit under s. 71.07 (3wm), beginning farmer and farm asset owner tax credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

SECTION 5. Initial applicability.

(1) This act first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31, this act first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(END)