

**WISCONSIN DEPARTMENT OF REVENUE
DIVISION OF INCOME, SALES, AND EXCISE TAX**

NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance documents listed in the table below.

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

DEADLINE FOR SUBMISSION

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

Document Number	Document Title
P106	Publication 106, <i>Wisconsin Tax Information for Retirees</i>



This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by [sec. 227.112\(1\)](#), Wis. Stats.

Wisconsin Tax Information for Retirees

Includes Information on:

- Who Must File
- Provisions Affecting Retirees
- Various Wisconsin Taxes
- 2019 Tax Rates

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IMPORTANT CHANGES

Use this publication in preparing your 2019 tax return. There are no substantive changes since the last version of this publication.

1. INTRODUCTION

This publication includes Wisconsin tax information of special interest to retirees, such as the tax treatment of retirement benefits, various credits and deductions allowable, and the different types of Wisconsin tax.

2. WHO MUST FILE A WISCONSIN INCOME TAX RETURN

You must file a 2019 Wisconsin income tax return if:

Filing status is:	Age as of December 31, 2019 was:	Gross income (or total gross income of husband and wife) during 2019 was:
Single	Under 65	\$11,560 or more
	65 or older	\$11,810 or more
Married – filing joint return	Both spouses under 65	\$21,510 or more
	One spouse 65 or older	\$21,760 or more
	Both spouses 65 or older	\$22,010 or more
Married – filing separate return	Under 65	\$10,250 or more (applies to each spouse individually)
	65 or older	\$10,500 or more (applies to each spouse individually)
Head of household	Under 65	\$14,730 or more
	65 or older	\$14,980 or more

If you are a part-year resident or nonresident of Wisconsin, you must file a Wisconsin income tax return if your gross income (or combined gross income of you and your spouse) is \$2,000 or more for 2019.

Gross income includes all income (before deducting expenses) reportable to Wisconsin which is received in the form of money, property, or services. It does not include items which are exempt from Wisconsin tax. For example, it does not include social security benefits or U.S. government interest.

3. PROVISIONS WHICH MAY AFFECT RETIREES**A. Social Security and Railroad Retirement Benefits**

Social security and railroad retirement benefits are not taxable for Wisconsin.

B. Pensions and Annuities

Generally, the amount of your pension and annuity income that is taxable for federal purposes is taxable for Wisconsin if you are a full-year resident of Wisconsin. However, retirement benefits received on the account of a person who was a member of the Wisconsin State Teachers Retirement System, certain Milwaukee city and county retirement systems, or a U.S. government retirement system as of December 31, 1963, are exempt from Wisconsin income tax. In addition, all retirement payments received from the U.S. military retirement system (paid by the Defense Finance and Accounting Services) and from the U.S. government that relate to service with

the Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, or the commissioned corps of the Public Health Service are exempt from Wisconsin income tax. Also see "Retirement Income Exclusion" below.

Note: If you worked in Wisconsin but are now a resident of another state, payments you receive from a *nonqualified* pension or annuity or a *nonqualified* deferred compensation plan are taxable by Wisconsin unless (1) the distribution is paid out in annuity form over your life expectancy or for a period of not less than 10 years, or (2) the distribution is paid in either an annuity form or lump-sum from arrangements known commonly as "mirror plans." Payments from a *qualified* plan are not taxable for Wisconsin when received by a nonresident, even though the payments may be attributable to services performed in Wisconsin.

C. Retirement Income Exclusion

Up to \$5,000 of certain retirement income is excluded from Wisconsin income if:

- You (or your spouse if married filing a joint return) were age 65 or older on December 31, 2019, and
- Your federal adjusted gross income (FAGI) is less than \$15,000. If married, combined FAGI must be less than \$30,000, whether filing jointly or separately.

D. Additional Personal Exemption Deduction

Persons age 65 or older on December 31, 2019, are allowed an additional personal exemption deduction of \$250.

E. Homestead Credit

Retirees age 62 or older or who are disabled and are full-year residents of Wisconsin may qualify for homestead credit if they meet certain conditions. Homestead credit provides direct relief to home owners and renters. One of the qualifications is that your total household income (both taxable and nontaxable income) must be below \$24,680 for 2019. If under age 62 and not disabled, you must have earned income to qualify for the credit.

F. Estimated Tax Payments

If you have income from which Wisconsin tax is not withheld (for example, interest, pension, or annuity income), you may be required to prepay your tax in installments. Generally, you must pay estimated tax if your tax return will show a balance due of \$500 or more. You may be subject to an interest charge if you do not make required payments of estimated tax.

4. MEDICAL AND DENTAL EXPENSES

A. Medical Care Insurance

You may be able to subtract all or a portion of the cost of your medical care insurance. "Medical care insurance" means a medical care insurance policy that covers you, your spouse, and dependents and provides surgical, medical, hospital, major medical, or other health service coverage (including dental insurance). If you are receiving social security benefits, the amount paid for medical care insurance includes the amount deducted from your monthly benefit for Medicare insurance (for example, Parts B and D).

Note: Do not include premiums for medical care or long-term care insurance if you elected to pay those premiums with tax-free distributions from a retirement plan. In this case, the premiums would have been made directly to the insurance provider by the retirement plan.

B. Long-Term Care Insurance

If you paid long-term care insurance costs during 2019, you may be able to subtract all or a portion of the cost of a long-term care insurance policy which covers you or your spouse. "Long-term care insurance policy" means a disability insurance policy or certificate advertised, marketed, offered, or designed primarily to provide coverage for care that is provided in your home or in an institutional or community-based setting. The care must be convalescent or custodial care or care for a chronic condition or terminal illness.

Note: Do not include premiums for long-term care insurance if you elected to pay those premiums with tax-free distributions from a retirement plan. In this case, the premiums would have been made directly to the insurance provider by the retirement plan.

C. Medical and Dental Expenses

For federal tax purposes, you can deduct certain medical and dental expenses you paid for yourself, your spouse, and your dependents if you itemize your deductions on federal Schedule A (Form 1040 or 1040-SR). You may deduct the amount of your medical and dental expenses that are more than 7.5% of your adjusted gross income. These expenses may also be taken for purposes of the Wisconsin itemized deduction credit.

Note:

- If you do not itemize your deductions for federal purposes, you may still be able to take the Wisconsin itemized deduction credit. In order to take this credit, prepare a federal Schedule A (Form 1040 or 1040-SR), write "Wisconsin" at the top, and enclose a copy with your Wisconsin return.
- The amount of medical care insurance and long-term care insurance claimed as a subtraction from Wisconsin income may not be used to compute medical and dental expenses for purposes of the Wisconsin itemized deduction credit.

5. DESCRIPTIONS OF WISCONSIN TAXES

Nonresidents of Wisconsin who are considering moving to Wisconsin after retirement frequently ask about Wisconsin taxes that may affect them. Following are brief descriptions of the major Wisconsin taxes which affect individuals.

A. Sales Tax

The Wisconsin sales tax rate is 5%. In addition, 66 of Wisconsin's 72 counties have adopted a 0.5% sales tax. An additional 0.1% baseball stadium tax applies in Milwaukee, Ozaukee, Racine, Washington, and Waukesha counties. Some items are exempt from the sales tax, such as groceries purchased for home preparation of meals, prescription medications, newspapers, and most subscription sales of magazines.

B. Individual Income Tax

The schedules on the next page show the individual income tax rates for full-year Wisconsin residents for 2019.

2019 Tax Rate Schedules

Schedule A - For Single Taxpayers or Head of Household				
If Taxable Income Is:		The 2019 Gross Tax Is:		
over –	but not over –	of the amount over –		
\$ 0	\$ 11,760		3.86%	\$ 0
11,760	23,520	\$ 453.94	+ 5.04%	11,760
23,520	258,950	1,046.64	+ 6.27%	23,520
258,950 or over		15,808.10	+ 7.65%	258,950

Schedule B - For Married Taxpayers Filing Jointly				
If Taxable Income Is:		The 2019 Gross Tax Is:		
over –	but not over –	of the amount over –		
\$ 0	\$ 15,680		3.86%	\$ 0
15,680	31,360	\$ 605.25	+ 5.04%	15,680
31,360	345,270	1,395.52	+ 6.27%	31,360
345,270 or over		21,077.68	+ 7.65%	345,270

Schedule C – For Married Taxpayers Filing Separately				
If Taxable Income Is:		The 2019 Gross Tax Is:		
over –	but not over –	of the amount over –		
\$ 0	\$ 7,840		3.86%	\$ 0
7,840	15,680	\$ 302.62	+ 5.04%	7,840
15,680	172,630	697.76	+ 6.27%	15,680
172,630 or over		10,538.53	+ 7.65%	172,630

Note: Nonresidents and part-year residents of Wisconsin must prorate the levels of income to which the tax rates apply by the ratio of their Wisconsin income to FAGI.

Wisconsin taxable income is FAGI with certain adjustments. The Wisconsin standard deduction reduces taxable income. Various credits are available which reduce the tax.

C. Real Estate Tax

The rate of taxation varies with each municipality. You can obtain specific information on the tax rate by contacting the treasurer of the city, village, or town in which you are interested in locating.

D. Estate and Gift Tax

There is no Wisconsin estate or gift tax.

6. ADDITIONAL INFORMATION

If you have additional questions or need copies of tax forms, you may visit any [Department of Revenue office](#) or:

Visit our website . . . revenue.wi.gov

Email . . . DORIncome@wisconsin.gov



Write . . . Mail Stop 5-77
 Wisconsin Department of Revenue
 P.O. Box 8949
 Madison, WI 53708-8949

Telephone . . . (608) 266-2486

Applicable Laws and Rules

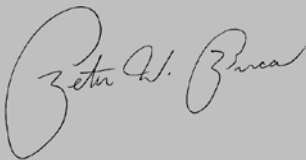
This document provides statements or interpretations of the following laws and regulations in effect as of January 23, 2020: Chapters 71 and 77, Wis. Stats., secs. Tax 2.94, 3.085, and 3.095, Wis. Adm. Code, and 26 U.S.C. § 213.

Laws enacted and in effect after January 23, 2020, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to January 23, 2020, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2)(a), Wis. Stats.

Certification Statement

As the Secretary of the Wisconsin Department of Revenue (DOR), I have reviewed this guidance document or proposed guidance document and I certify that it complies with secs. 227.10 and 227.11, Wis. Stats. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

DEPARTMENT OF REVENUE



Peter Barca
Secretary of Revenue