



State of Wisconsin
1999 - 2000 LEGISLATURE

October 1999 Special Session

LRB-3909/1
JK/MES/DAK:cmh:mrc

ASSEMBLY BILL 3

November 9, 1999 – Introduced by COMMITTEE ON RULES. Referred to calendar.

1 **AN ACT to amend** 20.835 (2) (am), 77.64 (title), 77.64 (3) (e), 77.64 (4) (a) 1., 77.64
2 (4) (a) 5., 77.64 (4) (a) 7. and 77.64 (4) (f) of the statutes; **relating to:** the onetime
3 sales tax rebate.

Analysis by the Legislative Reference Bureau

Under October 1999 Special Session Assembly Bill 1, and subject to a number of conditions and limitations, a claimant may claim, or is eligible to receive, a onetime sales tax rebate. Under this bill, an individual who was a nonresident of this state in 1998 is not eligible to receive a rebate if the individual's spouse is eligible to receive a rebate under the bill. Under October 1999 Special Session Assembly Bill 1, 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, 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 \$273. The bill also refers to the sales tax rebate as a onetime rebate of nonbusiness consumer sales tax.

The bill prohibits state agencies from considering receipt by an individual of the sales tax rebate in determining the individual's eligibility for a state-funded grant, loan, monetary assistance or other benefit or in determining the amount or extent of that grant, loan, monetary assistance or other benefit. The prohibition applies to the month of the receipt and the month immediately following. In addition, the bill requires the department of health and family services (DHFS) to request a waiver of federal medicaid laws to authorize DHFS to disregard receipt of the sales tax

rebate in determining eligibility for medical assistance. The bill also requires state agencies to disregard receipt by an individual of the sales tax rebate in determining the individual's eligibility for a federally funded grant, loan, monetary assistance or other benefit or in determining the amount or extent of that grant, loan, monetary assistance or other benefit, to the extent permitted under federal law.

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, as created by 1999 Wisconsin Act
2 (October 1999 Special Session Assembly Bill 1), is amended to read:

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

5 **SECTION 2.** 77.64 (title) of the statutes, as created by 1999 Wisconsin Act ...
6 (October 1999 Special Session Assembly Bill 1), is amended to read:

7 **77.64 (title) Onetime rebate of nonbusiness consumer sales tax rebate.**

8 **SECTION 3.** 77.64 (3) (e) of the statutes, as created by 1999 Wisconsin Act ...
9 (October 1999 Special Session Assembly Bill 1), is amended to read:

10 77.64 (3) (e) An individual who was a nonresident is eligible to receive a rebate
11 under sub. (2) if the individual files a claim with the department not later than 30
12 days after the effective date of this paragraph ... [revisor inserts date]. The claim
13 shall be filed on a form prepared by the department. The form shall require a
14 nonresident to document his or her nonbusiness consumer sales taxes paid to
15 Wisconsin in 1998, and the documented amount must be at least \$20 for a
16 nonresident to be eligible to receive a rebate under sub. (2). An individual who was
17 a nonresident is not eligible to receive a rebate under this paragraph if the
18 individual's spouse is eligible to receive a rebate under this subsection.

1 **SECTION 4.** 77.64 (4) (a) 1. of the statutes, as created by 1999 Wisconsin Act ...
2 (October 1999 Special Session Assembly Bill 1), is amended to read:

3 77.64 (4) (a) 1. If the couple's 1998 Wisconsin adjusted gross income is not more
4 than \$25,000, ~~\$367~~ \$368.

5 **SECTION 5.** 77.64 (4) (a) 5. of the statutes, as created by 1999 Wisconsin Act ...
6 (October 1999 Special Session Assembly Bill 1), is amended to read:

7 77.64 (4) (a) 5. If the couple's 1998 Wisconsin adjusted gross income is more
8 than \$100,000 but not more than \$200,000, ~~\$451~~ \$452.

9 **SECTION 6.** 77.64 (4) (a) 7. of the statutes, as created by 1999 Wisconsin Act ...
10 (October 1999 Special Session Assembly Bill 1), is amended to read:

11 77.64 (4) (a) 7. If the couple's 1998 Wisconsin adjusted gross income is more
12 than \$500,000, ~~\$500~~ \$546.

13 **SECTION 7.** 77.64 (4) (f) of the statutes, as created by 1999 Wisconsin Act ...
14 (October 1999 Special Session Assembly Bill 1), is amended to read:

15 77.64 (4) (f) A claimant under sub. (3) (e) shall be eligible for a rebate that is
16 equal to 30.4% of documented nonbusiness consumer sales taxes paid to Wisconsin
17 in 1998, up to a maximum rebate of ~~\$354~~ \$273.

18 **SECTION 8. Nonstatutory provisions.**

19 (1) DETERMINATIONS OF ELIGIBILITY OR EXTENT OR AMOUNT OF CERTAIN BENEFITS.

20 (a) In this subsection, "state agency" has the meaning given in section 16.417
21 (1) (a) of the statutes.

22 (b) Notwithstanding any other provision of state law that relates to
23 determining, based on an individual's personal income or assets, that individual's
24 eligibility for a state-funded grant, loan, monetary assistance or other benefit or the
25 amount or extent of that grant, loan, monetary assistance or other benefit, a state

1 agency may not consider receipt of a onetime rebate of nonbusiness consumer sales
2 tax under section 77.64 of the statutes, as affected by this act, to be income or an asset
3 of the individual in the month of receipt or in the month immediately thereafter. This
4 paragraph shall be broadly construed to avoid determinations of ineligibility for a
5 state-funded grant, loan, monetary assistance or other benefit.

6 (c) By December 1, 1999, the department of health and family services shall
7 request a waiver, to the extent permitted under federal law, from the secretary of the
8 federal department of health and human services under 42 USC 1396n (c), and shall
9 amend the state plan for services under 42 USC 1396, to authorize the department
10 of health and family services to disregard receipt by an individual of a onetime rebate
11 of nonbusiness consumer sales tax under section 77.64 of the statutes, as affected by
12 this act, in determining the individual’s eligibility for medical assistance under
13 section 49.46 (1), 49.465 or 49.47 (4) of the statutes.

14 (d) To the extent permitted under federal law, a state agency shall disregard
15 receipt by an individual of a onetime rebate of nonbusiness consumer sales tax under
16 section 77.64 of the statutes, as affected by this act, in determining the individual’s
17 eligibility for a federally funded grant, loan, monetary assistance or other benefit or
18 in determining the amount or extent of that grant, loan, monetary assistance or other
19 benefit.

20 (END)