



2005 ASSEMBLY BILL 19

January 20, 2005 - Introduced by Representatives AINSWORTH, ALBERS, GIELOW, HAHN, HINES, JESKEWITZ, KRAWCZYK, LOTHIAN, MUSSER, OWENS, PETTIS, TOWNSEND and WOOD, cosponsored by Senator OLSEN. Referred to Committee on Ways and Means.

1 **AN ACT to amend** 71.52 (6) of the statutes; **relating to:** modifying the definition
2 of income under the homestead tax credit.

Analysis by the Legislative Reference Bureau

Under current law, the definition of "income" under the homestead tax credit is the sum of Wisconsin adjusted gross income (AGI) and a number of items that are not otherwise includable in Wisconsin AGI, such as certain public assistance payments, nontaxable interest received on state and municipal bonds, and certain retirement benefits.

Under this bill, the definition of "income" under the homestead tax credit is modified such that interest income received from the installment sale of certain real property which includes a claimant's former homestead, up to the amount of interest that is paid by the claimant on a mortgage to purchase another homestead and to the extent that the interest relates to the homestead, may be subtracted from income in determining the claimant's homestead tax credit.

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:

3 **SECTION 1.** 71.52 (6) of the statutes is amended to read:

ASSEMBLY BILL 19**SECTION 1**

1 71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the
2 following amounts, to the extent not included in Wisconsin adjusted gross income:
3 maintenance payments (except foster care maintenance and supplementary
4 payments excludable under section 131 of the ~~internal revenue code~~ Internal
5 Revenue Code), support money, cash public assistance (not including credit granted
6 under this subchapter and amounts under s. 46.27), cash benefits paid by counties
7 under s. 59.53 (21), the gross amount of any pension or annuity (including railroad
8 retirement benefits, all payments received under the federal social security act, and
9 veterans disability pensions), nontaxable interest received from the federal
10 government or any of its instrumentalities, nontaxable interest received on state or
11 municipal bonds, worker's compensation, unemployment insurance, the gross
12 amount of "loss of time" insurance, compensation and other cash benefits received
13 from the United States for past or present service in the armed forces, scholarship
14 and fellowship gifts or income, capital gains, gain on the sale of a personal residence
15 excluded under section 121 of the ~~internal revenue code~~ Internal Revenue Code,
16 dividends, income of a nonresident or part-year resident who is married to a
17 full-year resident, housing allowances provided to members of the clergy, the
18 amount by which a resident manager's rent is reduced, nontaxable income of an
19 American Indian, nontaxable income from sources outside this state, and nontaxable
20 deferred compensation. Intangible drilling costs, depletion allowances and
21 depreciation, including first-year depreciation allowances under section 179 of the
22 ~~internal revenue code~~ Internal Revenue Code, amortization, contributions to
23 individual retirement accounts under section 219 of the ~~internal revenue code~~
24 Internal Revenue Code, contributions to Keogh plans, net operating loss
25 carry-forwards and capital loss carry-forwards deducted in determining Wisconsin

ASSEMBLY BILL 19

1 adjusted gross income shall be added to “income”. “Income” does not include gifts
2 from natural persons, cash reimbursement payments made under title XX of the
3 federal social security act, surplus food or other relief in kind supplied by a
4 governmental agency, the gain on the sale of a personal residence deferred under
5 section 1034 of the ~~internal revenue code~~ Internal Revenue Code, or nonrecognized
6 gain from involuntary conversions under section 1033 of the ~~internal revenue code~~
7 Internal Revenue Code. Amounts not included in adjusted gross income but added
8 to “income” under this subsection in a previous year and repaid may be subtracted
9 from income for the year during which they are repaid. Scholarship and fellowship
10 gifts or income that are included in Wisconsin adjusted gross income and that were
11 added to household income for purposes of determining the credit under this
12 subchapter in a previous year may be subtracted from income for the current year
13 in determining the credit under this subchapter. Interest income received from the
14 installment sale of business, farm, or rental real property which includes a
15 claimant’s former homestead, to the extent that the interest relates to the
16 homestead, up to the amount of interest that is paid by the claimant on a mortgage
17 to purchase another homestead, may be subtracted from income in determining the
18 credit under this subchapter, except that notwithstanding s. 71.58 (7) (a) this
19 provision does not apply to the definition of “income” under s. 71.58 (7). A marital
20 property agreement or unilateral statement under ch. 766 has no effect in computing
21 “income” for a person whose homestead is not the same as the homestead of that
22 person’s spouse.

SECTION 2. Initial applicability.

24 (1) This act first applies to claims filed for taxable years beginning on January
25 1 of the year in which this subsection takes effect, except that if this subsection takes

ASSEMBLY BILL 19

1 effect after July 31 this act first applies to claims filed for taxable years beginning
2 on January 1 of the year following the year in which this subsection takes effect.

3 (END)