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IMPORTANT: Unless otherwise noted, every combined return must include the following supplemental forms/schedules in addition to Form 6:

- **Form A-1**, *Wisconsin Apportionment Data for Single-Factor Formulas*, for each member of the combined group
- **Form A-2**, *Wisconsin Apportionment Data for Multiple Factor Formulas*, for each member of the combined group if the member conducts business as one of the following specialized industries: air carriers, interstate air freight forwarders affiliated with a direct air carrier, motor carriers, railroads, pipeline companies, and telecommunications companies
- **Federal Form 1120**, *U.S. Corporation Income Tax Return*, for each member of the Wisconsin combined group

Who Must File 2016 Form 6

Types of Taxpayers

Form 6 is only for corporations that are required to file as a combined group.

Corporations that must file Form 6, if not otherwise exempt, include:

- Corporations doing business both in and outside Wisconsin (multistate corporations)
- Corporations that are members of combined groups doing business in Wisconsin
- Domestic insurance companies doing business in Wisconsin

Corporations (other than insurance companies) that are not part of a combined group file Form 4.

Tax-option (S) corporations file Form 5S.

Tax exempt corporations may be required to file Form 4T.

Additionally, some corporations must file a Wisconsin corporation franchise or income tax return (Form 4, 5S, or 4T, as applicable) regardless of whether they are otherwise "doing business in Wisconsin." These corporations include:

- Corporations organized under Wisconsin law
- Foreign corporations licensed to do business in Wisconsin
- Foreign corporations that are the sole owner of an entity that is disregarded as a separate entity under IRC section 7701 and does business in Wisconsin
- Foreign corporations engaged in buying or selling lottery prizes if the winning tickets were originally bought in Wisconsin

"Doing Business in Wisconsin"

"Doing business in Wisconsin" means that the corporation has "nexus" with Wisconsin. Activities that create nexus include the following:

- Maintaining any business location in Wisconsin
- Owning real estate in Wisconsin
- Owning a stock of goods in a public warehouse or on consignment in Wisconsin
- Owning a stock of goods in the hands of a distributor or other non-employee representative in Wisconsin, if used to fill orders for the owner's account
- Regularly selling products or services of any kind or nature to customers in Wisconsin that receive the product or service in Wisconsin, except where protected by federal Public Law (P.L.) 86-272
- Regularly soliciting business from potential customers in Wisconsin, except where protected by P.L. 86-272
- Regularly performing services outside Wisconsin for which the benefits are received in Wisconsin
- Regularly engaging in transactions with customers in Wisconsin that involve intangible property and result in receipts flowing to the corporation from within Wisconsin
- Issuing credit, debit, or travel and entertainment cards to customers in Wisconsin
- Holding loans secured by real or tangible personal property located in Wisconsin
- Owning, directly or indirectly, a general or limited partnership interest in a partnership that does business in Wisconsin, regardless of the percentage of ownership
- Owning, directly or indirectly, an interest in a limited liability company treated as a partnership that does business in Wisconsin, regardless of the percentage of ownership

Under sec. 71.255(5), Wis. Stats., if one member of a combined group is doing business in Wisconsin that relates to the combined group's common unitary business, all members of the combined group are considered to be doing business in Wisconsin.

IMPORTANT: For combined groups, nexus is determined for the group as a whole. If one member of the group is doing business in Wisconsin that relates to the common unitary business, all members of the group are considered to have nexus.

For corporations selling tangible personal property, P.L. 86-272 may prohibit Wisconsin taxation in some cases. There are also specific statutory exemptions from nexus. See s. Tax 2.82, Wisconsin Administrative Code, for more information about P.L. 86-272 and what creates nexus. See sec. 71.23(3), Wis. Stats., for the specific statutory exemptions that may apply.

Entities Not Required to File

The following entities are not required to file a Wisconsin franchise or income tax return or be included in a combined return:

- Single-owner entities that are disregarded under IRC section 7701 (Instead, the owner of the disregarded entity must file a Wisconsin franchise or income tax return if otherwise required.)
- "Exempt entities," except those that have income described in a. through c.:
  a. Unrelated business taxable income as defined in IRC section 512,
  b. Income derived from a health maintenance organization (HMO) as defined in sec. 609.01(2), Wis. Stats., or a limited service health organization (LSHO) as defined in sec. 609.01(3), Wis. Stats., or
  c. Income realized from the sale of and subsequent sale or redemption of lottery prizes if the winning tickets were originally bought in Wisconsin.
- Corporations that are completely inactive in and outside Wisconsin and have filed Form 4H
- Credit unions that don't act as a public depository for state or local government funds and have filed Form CU

Exempt Entities

Exempt entities are described in secs. 71.26(1) and 71.45(1), Wis. Stats. Exempt entities include the following:

- Insurers exempt from federal income taxation under IRC section 501(c)(15)
- Town mutual insurers organized under Chapter 612, Wis. Stats.
- Foreign insurers
- Domestic insurers engaged exclusively in life insurance business
- Domestic insurers transacting mortgage guaranty insurance business as defined in Wisconsin Administrative Code section Insurance 6.75(2)(i)
- Some cooperatives
- Religious, scientific, educational, benevolent, or other corporations or associations of individuals not organized or conducted for profit

Franchise or Income Tax

Corporations required to file Form 4 or be included in a combined Form 6 may be subject to either franchise or income tax.

Franchise tax applies to:

- All domestic corporations (those organized under Wisconsin law), and
- Foreign corporations (those not organized under Wisconsin law) doing business in Wisconsin or buying or selling lottery prizes if the winning tickets were originally bought in Wisconsin, except where taxation is exempted by statute or barred by federal law.

The tax rate is 7.9%. Income from obligations of the United States government and its instrumentalities is included in income under the franchise tax law.

Income tax applies only to foreign corporations which are not subject to the franchise tax and which own property in Wisconsin or whose business in Wisconsin is exclusively in foreign or interstate commerce. The tax rate is 7.9%. Income from obligations of the United States government and its instrumentalities is not included in income under the income tax law.

Economic Development Surcharge

Corporations required to file Form 4 or be included in a combined Form 6 may also be subject to the economic development surcharge. The economic development surcharge is 3% of the corporation's franchise or income tax, before applying credits. The minimum economic development surcharge is $25 and the maximum is $9,800.

A corporation is subject to the economic development surcharge if it has gross receipts from all activities of $4 million or more during the taxable year. "Gross receipts from all activities" means gross receipts, gross sales, gross dividends, gross interest income, gross rents, gross royalties, the gross sales price from the disposition of capital assets and business assets, gross receipts passed through from other entities, and all other receipts that are included in gross income for Wisconsin franchise or income tax purposes.

However, the economic development surcharge doesn't apply to:

- Domestic corporations that don't have any business activities in Wisconsin,
- Foreign corporations that don't have nexus with Wisconsin; however, if one member of the combined group has nexus in Wisconsin, all combined group members have nexus in Wisconsin, or
- Nuclear decommissioning trust funds.

In a combined group, the economic development surcharge is determined for each company individually based on its own gross receipts from all activities and its share of the gross tax computed on the combined return. If one member of the combined group has nexus in Wisconsin, all members of the combined group have nexus in Wisconsin.

NOTE: Each member of a combined group computes its own economic development surcharge, if applicable, based on its own amounts reported on Form 6, *Part III, line 9*.

For more information on the economic development surcharge, refer to the instructions for Form 6, Part III, line 11. Also refer to Publication 400, *Wisconsin's Economic Development Surcharge.* You can find this publication on the Department of Revenue's web site at revenue.wi.gov/html/taxpubs.html.

Separate Return or Combined Return?

Use this section to determine if a corporation must be included in a combined return (Form 6) or must file separately (Form 4). If the corporation must file separately, see the *Form 4 Instructions for Non-Combined Returns.*

Combined Returns and Groups in General

If a corporation is in a combined group, it should not file a non-combined Form 4, instead, one corporation in the group, called the "designated agent," files Form 6 on a combined basis for the group as a whole.

A corporation is in a combined group if it meets **all** of the following three tests:

1. The corporation is in a **commonly controlled group**,
2. The corporation is engaged in a **unitary business** with other corporations in the commonly controlled group, and
3. The corporation is not excluded from the combined group under the **water's edge** rules.

However, corporations that are tax-option (S) corporations, real estate investment trusts (REITs), regulated investment companies (RICs), real estate mortgage investment conduits (REMICs), or financial asset securitization investment trusts (FASITs) can't be included in a combined group. These corporations must file separate Wisconsin returns if they are otherwise required to file.

Each of the three tests is discussed below:

Test 1: Commonly Controlled Group

Section 71.255(1)(c), Wis. Stats., and s. Tax 2.61(3), Wisconsin Administrative Code, describe when a "commonly controlled group" exists. To summarize those provisions, a "commonly controlled group" means any or a combination of the following arrangements, if the "50% test" described below is met:

- A parent-subsidiary chain of corporations
- Corporations with a common owner
- Corporations owned or controlled by members of the same family
- Corporations that are "stapled entities"

50% Test. In any commonly controlled group, there must be common ownership of stock representing more than 50% of the voting power of the corporations. A corporation owns stock representing more than 50% of voting power if it owns or controls more than 50% of all classes of stock entitled to vote. See s. Tax 2.61(3)(d), Wisconsin Administrative Code, for other rules that apply in determining voting power.

The common ownership may be either direct or indirect. To determine if there is indirect ownership, you would generally use the stock attribution rules of IRC section 318. See s. Tax 2.61(3)(a), Wisconsin Administrative Code, for more details.

Following is a brief description of each type of commonly controlled group:

Parent-Subsidiary Chain. In this type of group, a parent corporation directly or indirectly owns stock representing more than 50% of the voting power of one or more corporations or chains of corporations in the group.

Corporations with Common Owner. In this type of group, a common owner directly or indirectly owns stock representing more than 50% of the voting power of the corporations in the group. The common owner may or may not be a corporation.

Corporations Owned or Controlled by Family Members. In this type of group, stock representing more than 50% of the voting power in each corporation is directly owned by, or for the benefit of, members of the same family, as determined by the third degree of kinship under sec. 990.001(16), Wis. Stats. Using the third degree of kinship, an individual is considered to be in the same family with his or her:

- Parents
- Grandparents
- Great-grandparents

- Children
- Grandchildren
- Great-grandchildren
- Siblings
- Nieces and nephews
- Aunts and uncles

Stapled Entities. In this type of group, there is an arrangement where stock representing more the 50% of the voting power of each corporation cannot be separately transferred, even if there is not actual common ownership of the stock. If a group of corporations would be considered "stapled entities" under section 269B of the IRC, without regard to whether the corporations are foreign or domestic, then the corporations are in a commonly controlled group. See s. Tax 2.61(3)(d), Wisconsin Administrative Code, for details.

Test 2: Unitary Business

In general, a "unitary business" is a group of commonly controlled companies, divisions, or branches that operates as a unit. The operations are integrated, and each company, division, or branch is dependent upon or contributory to the operation of the business as a whole. However, it isn't necessary that *each* component of the business contribute to *all* the other components.

Controlled Group Election. A commonly controlled group may elect to forego the unitary business test by treating the entire commonly controlled group as a single unitary business. This is called the "controlled group election."

NOTE: The controlled group election may simplify combined return filing because it eliminates the need to determine which corporations in the commonly controlled group are engaged in the same unitary business.

If the group makes the controlled group election, the election is generally binding on the combined group and the Department for a ten-year period, unless the group no longer has a filing requirement. For information on the controlled group election, see the specific line instructions that follow.

How to Identify a "Unitary Business." If the commonly controlled group does not make the controlled group election, it uses the definition in sec. 71.255(1)(n), Wis. Stats., and guidance provided in s. Tax 2.62, Wisconsin Administrative Code, to determine if corporations in the commonly controlled group are engaged in the same unitary business. The law provides the following:

- Commonly controlled entities are engaged in a unitary business if their activities generate a synergy and mutual benefit that produces a *sharing or exchange of value* among them and a significant *flow of value* to the separate parts
- Commonly controlled entities are presumed to be a unitary business if the entities have *unity of operation and use*

The Wisconsin Statutes and Administrative Code provide further explanation and examples of the "sharing, exchange, and flow of value" concept and the "unity of ownership, operation and use" concept, summarized as follows:

Sharing, Exchange, and Flow of Value. Commonly controlled corporations are engaged in a unitary business if **any** of the following are true:

- The corporations contribute or are expected to contribute in a nontrivial way to each other's profitability
- The corporations are dependent on one another for achieving one or more nontrivial business objectives
- The corporations taken as a group offer one or more corporations in the group some economies of scale or economies of scope

To illustrate this concept, the following activities between commonly controlled corporations indicate that they are engaged in the same unitary business:

- Assisting in acquisition of assets
- Assisting with filling personnel needs
- Lending funds, guaranteeing loans, or pledging assets
- Common future planning or development of the enterprise
- Providing technical assistance, general operational guidance, or overall operational strategic advice
- Supervising
- Sharing use of trade names, patents, or other intellectual property

Unity of Operation and Use. Commonly controlled corporations are also engaged in a unitary business if they have both unity of operation and unity of use.

Unity of operation means there is functional integration among the corporations, and is evidenced by shared support functions such as:

- Centralized purchasing, marketing, advertising, accounting, or research and development
- Intercorporate sales or leases, including equipment and real estate
- Intercorporate services, including administrative, data management, computer support, employee benefits, human resources, insurance, tax

compliance, legal, financial, and cash management services

- Intercorporate debts
- Intercorporate use of proprietary materials, including trade names, trademarks, service marks, patents, copyrights, and trade secrets

Unity of use is evidenced by centralized management or use of centralized policies. Factors that indicate unity of use include:

- Centralized executive force
- Interlocking directorates or corporate officers
- Intercompany employee transfers
- Common employee and executive training programs
- Common hiring and personnel policies
- Common recruiting programs
- Common employee handbooks
- Common employee benefit programs

Passive Holding Companies in Unitary Business. If a commonly controlled group includes a passive holding company that holds intangible assets that are used by other companies of the group in a unitary business, that holding company is deemed to be engaged in the unitary business, even if its activities are primarily passive.

If a passive parent holding company directly or indirectly controls one or more operating company subsidiaries engaged in a unitary business, that passive parent holding company is also engaged in the unitary business, even if its activities are primarily passive.

Presumptions to Simplify Determination. In order to simplify the determination of whether a unitary business exists, s. Tax 2.62(6), Wisconsin Administrative Code, provides that a group of commonly controlled corporations is presumed to be engaged in a unitary business if **any** of the following are true:

- The group's activities are all in the same general line of business
- The members of the group are engaged in different steps of a vertically structured enterprise
- There is strong central management coupled with the existence of centralized departments or affiliates for such functions as financing, advertising, R&D, or purchasing

Also, if a corporation forms a new corporation, the forming corporation and new corporation are presumed to be engaged in a unitary business with one another from the date of formation.

These presumptions may be rebutted by the taxpayer or by the Department based on the specific facts and circumstances.

Test 3: Water's Edge

In general, this test only applies if the company derives 80% or more of its worldwide gross income from "active foreign business income" as defined in section 861(c)(1)(B), IRC. The water's edge rules are described in detail in the instructions for Form 6.

SUMMARY: A corporation must file in a combined return if all of the following are true:

1. The corporation is in a commonly controlled group,
2. The corporation is engaged in a unitary business with one or more other corporations in that commonly controlled group **or** the group makes the controlled group election, and
3. The corporation is not excluded from the combined group under the water's edge rules.

General Franchise or Income Tax Return Instructions

Who is the "Designated Agent?"

Every combined group must appoint a corporation to be the "designated agent" for the group. The designated agent acts on behalf of all members of the combined group for matters that relate to the combined return, such as filing the return, making estimated payments, sending and receiving correspondence relating to the combined return, and similar duties.

Any corporation in the group can be the designated agent, as long as the designated agent's taxable year is the same as the combined group's taxable year. The Department will consider the company that files the combined group's first combined return to be the designated agent, and that company stays the group's designated agent until it either leaves the group, ceases to exist, notifies the Department that it has appointed another designated agent, or the combined group is acquired by another combined group.

See s. Tax 2.65, Wisconsin Administrative Code, for rules that relate to changing the designated agent and the scope and limitations of the designated agent's responsibilities.

When and Where to File

Generally, a combined group must file its Wisconsin franchise or income tax return by the 15th day of the 3rd month following the close of its taxable year.

Short Period Returns. If a corporation that is included in a combined group has a short period or joins or leaves the combined group during the taxable year, but the combined group itself does not have a short period, the designated agent need not file a short period combined return. Instead, the designated agent includes that corporation's items for the period of time it was a member of the group in the full year combined return. The due date of the combined return is based on the combined group's full taxable year.

NOTE: If a member corporation's taxable year is a short period or the corporation was not a member of the group for the entire taxable year, you will identify the period included in the combined return, Form 6, Part VI, line 2.

However, if the entire combined group has a short period, the designated agent must file the combined return based on the short period, and the combined return is due on or before the federal due date for that short taxable year.

Extensions. Any extension allowed by the IRS for filing a federal return automatically extends the Wisconsin due date to 30 days after the federal extended due date. You don't need to submit either a copy of the federal extension or an application for a Wisconsin extension to the Department by the original due date of your return. However, you must submit a copy of the federal extension with the Wisconsin return that you file.

If you aren't requesting a federal extension, Wisconsin law provides an automatic extension of 7 months or until the original due date of the corporation's corresponding federal return, whichever is later.

The fee for filing a late return after the extension date is $150.

CAUTION: An extension for filing the return doesn't extend the time to pay the franchise or income tax. Interest will be charged on the tax not paid by the 15th day of the 3rd month following the close of the combined group's taxable year. You can avoid interest charges during the extension period by paying the tax due by that date.

Filing Methods. Combined returns are required to be filed electronically unless an approved electronic waiver is received from the department. More information is available from the Department's web page at revenue.wi.gov/Pages/TaxPro/news-2011-110727b.aspx Also, see s. Tax 2.67(2)(b), Wisconsin Administrative Code, for details. File electronically through the Federal/State E-Filing Program. For a list of software vendors participating in this program, visit the Department's web page at revenue.wi.gov/eserv/corp/third.html.

Period Covered by Return

Conformity with Period for Federal Return. The period covered by the combined return must be the same as the period covered by the designated agent's federal return. A 2016 Wisconsin return must be filed for calendar year 2016 or a fiscal year that begins in 2016. Generally, a fiscal year may end only on the last day of a month. An exception is when a short period is required for stock purchase/ownership changes, which results in the year ending when the sale is completed. Finally, the period covered by the return can't exceed 12 months.

If the designated agent reports on a 52-53 week period for federal tax purposes, it must file on the same reporting period for Wisconsin. A 52-53 week taxable year is deemed to begin on the first day of the calendar month beginning nearest to the first day of the 52-53 week taxable year, and is deemed to end on the last day of the calendar month closest to the last day of the 52-53 week taxable year.

Any change in accounting period made for federal purposes must also be made for Wisconsin purposes. For the first taxable year for which the change applies, file with the Wisconsin return a copy of the IRS's notice of approval of accounting period change if such approval is required or an explanation of the change if the IRS's approval isn't required.

Members with Differing Taxable Years. If a member of a combined group has a different taxable year than the designated agent, the designated agent must use one of two methods to convert that member's taxable year to the combined group's taxable year:

1. Prepare a separate income statement for the member for the months included in the combined group's taxable year, or
2. Use the amounts for the member's taxable year that ends during the combined group's taxable year.

Unless the Department grants permission otherwise, the designated agent must use the same method for all combined group members that have differing taxable years, and the same method must be used each year.

NOTE: If a member is on a different taxable year than the combined group, you will identify its taxable year end on Form 6, Part VI, line 2.

Accounting Methods and Elections

In computing net income, the method of accounting must be the same method used in computing federal net income. However, if the method used for federal purposes isn't authorized under the Internal Revenue Code in effect for Wisconsin, use a method authorized under the Internal Revenue Code in effect for Wisconsin.

Situations Where Installment Method Not Authorized for Wisconsin. A corporation, including a tax-option (S) corporation, entitled to use the installment method of accounting must take the unreported balance of gain on installment obligations into income in the taxable year of their distribution, transfer, or acquisition by another person or for the final taxable year for which it files or is required to file a Wisconsin franchise or income tax return, whichever year occurs first.

Change in Accounting Method. A change in accounting method made for federal purposes must also be made for Wisconsin purposes, unless the change isn't authorized under the Internal Revenue Code in effect for Wisconsin. Adjustments required federally as a result of a change made while a corporation is subject to Wisconsin taxation must also be made for Wisconsin purposes, except in the last year that a corporation is subject to taxation by Wisconsin it must take into account all remaining adjustments required.

For the first taxable year for which the change applies, file with the Wisconsin return either a copy of the application for change in accounting method filed with the Internal Revenue Service and copy of the IRS's consent, if applicable, or an explanation of the change if the IRS's approval isn't required.

Elections. As explained above, a corporation can't make different elections for federal and Wisconsin purposes with respect to accounting periods and accounting methods, unless the federal method isn't permitted under the Internal Revenue Code in effect for Wisconsin. In situations where a corporation has an option under the Internal Revenue Code and the IRS doesn't consider that option to be a method of accounting, a different election may be made for Wisconsin than for federal purposes. If federal law specifies the manner or time period in which an election must be made, those requirements also apply for Wisconsin purposes.

Payment of Estimated Tax

If the total of a combined group's franchise or income tax and economic development surcharge due is $500 or more, it generally must make quarterly estimated tax payments in order to avoid an interest charge. In general, the designated agent must make quarterly estimated tax payments on behalf of all members of the combined group. See s. Tax 2.66, Wisconsin Administrative Code, for details and exceptions.

NOTE: The combined group is generally treated as a single corporation for purposes of determining required estimated payments and interest. See the instructions to Form U, *Underpayment of Estimated Tax by Corporations*, for details.

Quick Refund. A combined group that overpaid its estimated tax may apply for a refund before filing its tax return if its overpayment is (1) at least 10% of the expected Wisconsin tax liability and (2) at least $500. To apply, the designated agent may file Wisconsin Form 4466W, *Corporation Application for Quick Refund of Overpayment of Estimated Tax*, after the end of the taxable year and before the corporation files its tax return.

A combined group that has a tax due when filing its tax return as a result of receiving a "quick refund" will be charged 12% annual interest on the amount of unpaid tax from the date the refund is issued to the earlier of the 15th day of the 3rd month after the close of the taxable year or the date the tax liability is paid. Any tax that remains unpaid after the unextended due date of the tax return continues to be subject to 18% or 12% annual interest, as appropriate.

Electronic Funds Transfer Required. Section Tax 1.12, Wisconsin Administrative Code, requires the payment of certain taxes by electronic funds transfer (EFT). A combined group must pay its estimated franchise or income taxes and economic development surcharge by EFT if its net tax less refundable credits on its prior year return was $1,000 or more. The Department will notify the designated agent when EFT payments are required. The designated agent will have 90 days after being notified to register for EFT. The first EFT payment is due on the first tax due date following the end of the 90-day registration period.

Combined groups not required to pay by EFT may elect to do so. For more information, visit the Department of Revenue's web site at revenue.wi.gov/eserv/eftgen.html, e-mail DORSalesandUse@wisconsin.gov, call (608) 264-9918, or write to the EFT Unit, Wisconsin Department of Revenue, PO Box 8949, Madison, WI 53708-8949.

To make EFT payments of corporation franchise or income tax, choose the appropriate tax type code from the table below. When making EFT payments, be sure to enter the last day of your taxable year for which the payment is being made, not the last day of the quarterly installment period.

Tax Type	Tax Type Code
Corporation estimated tax payment	02100
Corporation tax due with return	02200
Corporation amended return tax due	02400
Corporation bill (except audit assessments)	02540

If you are not required to use EFT, you may make your estimated payments using Form Corp-ES, *Wisconsin Corporation Estimated Tax Voucher*. You may download vouchers from the Department's web site at revenue.wi.gov/html/formpub.html.

Components of Combined Return

Section Tax 2.67(2)(c), Wisconsin Administrative Code, prescribes the components that a combined return must have in order to be considered complete.

All combined returns must have a copy of the complete federal return for each member of the combined group.

Other Supporting Schedules. The line-by-line instructions for Form 6 and other department-prescribed forms indicate that supporting schedules are required to compute or detail the amounts reported. Follow the line-by-line instructions carefully. Also see *Required Attachments* later in the instructions.

Methods of Attachment for Electronic Returns. If you are filing electronically, you may submit supplemental schedules that are not pre-programmed into your software in one of two ways:

1. Submitting them electronically in .pdf format along with your electronic return, or
2. Mailing them to the Department with a Form W-RA, *Required Attachments for Electronic Filing*.

Required Disclosures and Information Returns

Corporations in a combined group may be required to disclose certain types of transactions included on the return or file information returns. Each of these requirements is described below.

Disclosure of Related Entity Expenses. If the combined group will be deducting more than $100,000 of interest, rent, management fees, or intangible expenses paid, accrued, or incurred to a related person or entity, the corporation that paid the expenses must generally file Schedule RT, *Wisconsin Related Entity Expenses Disclosure Statement*, with the combined return. The $100,000 threshold is determined after considering the effect of the combined group's Wisconsin apportionment percentage. The Schedule RT instructions explain the reporting requirements.

However, even if you are not required to file Schedule RT, if the combined group is claiming deductions for interest, rent, management fees, or intangible expenses, paid, accrued, or incurred to related entities, you must add those expenses back to federal income as a Wisconsin addition modification. To the extent the expenses meet the tests for deductibility, you may subtract them out as a subtraction modification. See the instructions for Form 6, Part II, lines 2c, 4b, and 4c for additional details.

NOTE: If an expense is paid from one member of a combined group to another member of the same group and the expense is eliminated or "washes out" when the members' unitary incomes are combined, the expense is not required to be added back or reported on Schedule RT.

Corporation's Disclosure of Reportable Transactions. If a corporation was required to include any form with its federal tax return to disclose a "reportable transaction," as defined under sec. 71.81(1)(c), Wis. Stats., it must file a copy of that form with the Department of Revenue within 60 days of the date it is required to file it for federal income tax purposes, provided that it is otherwise required to file a Wisconsin return.

This includes federal Form 8886, *Reportable Transaction Disclosure Statement*, and federal Form 114, *Report of Foreign Bank and Financial Accounts.* To file these forms

for Wisconsin purposes, check the "yes" box on Form 6, Part VI, line 27 and submit the form with your Form 6.

To submit a copy of any forms not included with the tax return, mail them to the following address:

Wisconsin Department of Revenue
Tax Shelters Program
PO Box 8958
Madison, WI 53708-8958

Material Advisor's Disclosure of Reportable Transactions. A material advisor that is required to file a form with the IRS to disclose a reportable transaction must file a copy of that form with the Department of Revenue within 60 days of the date it is required for federal income tax purposes, provided that the form relates to a taxpayer that is required to file a Wisconsin franchise or income tax return.

A "material advisor" means any person who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, insuring, or carrying out any reportable transaction (as defined in the U.S. Treasury Regulations) and who, directly or indirectly, derives gross income from providing such aid, assistance, or advice in an amount that exceeds the threshold amount. See sec. 71.81(1)(e), Wis. Stats., for details of the threshold amount that applies.

For federal purposes, the form required for this disclosure is Form 8918, *Material Advisor Disclosure Statement*. To file this form for Wisconsin purposes, send a paper copy, separate from the Wisconsin return, to:

Wisconsin Department of Revenue
Tax Shelters Program
PO Box 8958
Madison, WI 53708-8958

Include a listing of the names and identification numbers of each Wisconsin taxpayer for whom the advisor provided services to.

NOTE: For disclosures of related entity expenses, submit Schedule RT with the Wisconsin return. However, for disclosures of reportable transactions, mail a copy of the federal form, *separate from the return*, to the Tax Shelters Program address.

Uncertain Tax Positions. If you were required to file federal Schedule UTP-Uncertain Tax Position Statement, include a copy of the schedule with your Wisconsin tax return and check the "yes" box on Form 6, Part VI, line 26.

Information Return for Miscellaneous Income. If a corporation paid $600 or more in rents, royalties, or certain nonwage compensation to one or more individuals, the corporation must file an information return to report those payments. You may use Wisconsin Form 9b, *Miscellaneous Income*, or you may use federal Form 1099 instead of Form 9b. For more information, see the Form 9b instructions.

Internal Revenue Service Adjustments, Amended Returns, and Claims for Refund

Internal Revenue Service Adjustments. If a corporation's federal tax return is adjusted by the IRS and the adjustments affect the Wisconsin net tax payable, the amount of a Wisconsin credit, a Wisconsin net business loss carryforward, or a Wisconsin capital loss carryforward, you must report the adjustments to the Department of Revenue within 90 days after they become final by either filing an amended Wisconsin franchise/income tax return or mailing a copy of the final federal audit report.

Send a copy of the final federal audit reports and any associated amended Wisconsin returns to the Wisconsin Department of Revenue, PO Box 8908, Madison, WI 53708-8908. If submitting a federal audit report without an amended return, mail it to the Audit Bureau, Wisconsin Department of Revenue, Mail Stop 3-107, PO Box 8906, Madison, WI 53708-8906. Don't attach these items to the tax return for the current year. Do not include a copy of the original return with the amended return.

Amended Returns. After you have filed a complete, original tax return, you may file an amended return to correct a tax return as you originally filed it or as it was later adjusted by an amended return, a claim for refund, or an office or field audit.

If you file an amended federal return and the changes affect the Wisconsin net tax payable, the amount of a Wisconsin credit, a Wisconsin net business loss carryforward, or a Wisconsin capital loss carryforward, you must file an amended Wisconsin return with the Department of Revenue within 90 days after filing the amended federal return.

To file an amended Wisconsin return, put a check mark on the designated line in item D on the front of the return, complete the return, and include an explanation of any changes made. Show computations in detail, including any applicable supplemental forms or schedules. Also show how you figured your refund or additional amount owed. Where applicable, the line-by-line instructions in these instructions provide specific instructions for how to compute the amounts on an amended return. Do not include a copy of the original return with the amended return.

File your amended return electronically by using one of the third party software providers:

revenue.wi.gov/eserv/corp/third.html

If you have an approved electronic filing waiver, send amended returns to the Wisconsin Department of Revenue, PO Box 8908, Madison, WI 53708-8908. **Don't attach amended returns to other tax returns that you are filing. Do not include a copy of the original return with the amended return.**

Claims for Refund. A claim for refund must be filed within 4 years of the unextended due date of the return. However, a claim for refund to recover all or part of any tax or credit paid as a result of an office or field audit must be filed within 4 years after such an assessment. That assessment must have been paid and must not have been protested by filing a petition for redetermination. See s. Tax 2.12, Wisconsin Administrative Code, for more information on claims for refund and other amended returns.

Final Return

If a corporation that is in a combined group liquidated during the taxable year, put a check mark on the appropriate line of item D on page 1 of Form 6. Enter the date of liquidation as the end of the period included in the combined return on Form 6, Part VI, line 2. Submit a copy of the plan of liquidation and a copy of federal Form 966 with the combined return.

Generally, a final return is due on or before the federal due date. In most cases, this is the 15th day of the 3rd month after the date the corporation dissolved. The tax is payable by the 15th day of the 3rd month after the date of dissolution. However, since the taxable year is determined for the combined group as a whole, the due date of that member's final return is based on the due date of the combined return. See *Short Period Returns*, under *When and Where to File*, for details.

Penalties for Not Filing or Filing Incorrect Returns

If you don't file a franchise or income tax return that you are required to file, or if you file an incorrect return due to negligence or fraud, interest and penalties may be assessed against you. The interest rate on delinquent taxes is 18% per year. Civil penalties may be as much as 100% of the amount of tax not reported on the return. Criminal penalties for filing a false return include a fine of up to $10,000 and imprisonment.

Further, if you fail to disclose reportable transactions, you may be subject to the penalties described in sec. 71.81, Wis. Stats., including a $30,000 penalty for failure to disclose a listed transaction.

Conformity with Internal Revenue Code and Exceptions

The Wisconsin income and franchise tax law is based on the federal Internal Revenue Code ("IRC"). The IRC generally applies for Wisconsin purposes at the same time as for federal purposes. For taxable years beginning on or after January 1, 2016, Wisconsin's definition of the IRC is the IRC as of December 31, 2013 with the following exceptions listed below.

NOTE: The exceptions and provisions adopted by Wisconsin listed below are those in effect as of the publication date of these instructions. It is possible that subsequent changes in Wisconsin law may add or eliminate some exceptions applicable to taxable years beginning in 2016.

Provisions of the Internal Revenue Code <u>Not</u> Adopted by Wisconsin:

- Section 13113 of P.L. 103-66, which created sec. 1202 of the IRC effective for small business stock issued after August 10, 1993.
- Sections 1, 3, 4, and 5 of P.L. 106-519, which repealed foreign sales corporation provisions and replaced with extraterritorial income provisions.
- Sections 101, 102, and 422 of P.L. 108-357, which repealed the exclusion for extraterritorial income, domestic production activities deduction, and the creation of sec. 965 – incentives to reinvest foreign earnings in the U.S.
- Sections 1310 and 1351 of P.L. 109-58, which provides for the modification to special rules for nuclear decommissioning costs, repeal of the limitation on contract research expenses paid so small businesses, universities, and federal laboratories.
- Section 11146 of P.L. 109-59, the tax treatment of state ownership of railroad real estate investment trust.
- Section 403(q) of P.L. 109-135, which provides incentives to reinvest foreign earnings from controlled foreign corporations in the U.S.
- Section 513 of P.L.109-222, which repeals foreign sales corporation/extraterritorial income exclusion binding contract relief.

- Sections 104 and 307 of P.L. 109-432, which increases the rates of the alternative incremental credit and provides a new alternative simplified credit and that gross income does not include an IRA distribution used to fund an HSA.

- Sections 8233 and 8235 of P.L. 110-28, which created a special rule for banks required to change from the reserve method of accounting in becoming tax-option (S) corporations and the elimination of all earnings and profits attributable to pre-1983 years.

- Section 11(e) and (g) of P.L. 110-172, which provides clerical amendments to research credits for controlled corporations and common control, and clerical amendments to the FSC Repeal and Extra-territorial Income Exclusion Act of 2000.

- Section 301 of P.L. 110-245, which provides for tax responsibilities of expatriation.

- Sections 15303 and 15351 of P.L. 110-246, related to the deduction for endangered species recovery, and limits the amount of farm losses that may offset non-farming business income is limited to $300,000.

- Section 302 of division A, section 401 of division B, and sections 312, 322, 502(c), 707, and 801 of division C of P.L. 110-343, which limits executive compensation for employers participating in troubled assets relief program for the taxable year in which the troubled assets exceed $300,000,000. Caps the domestic production activities deduction at 6% for oil-related activities. The deduction for income attributable to domestic production activities in Puerto Rico applies to the first 8 taxable years beginning before January 1, 2010. Tax incentives for investment in the District of Columbia includes exclusion for gain on sale of an asset held from more than 5 years. Defines wages for purposes of the domestic production activities deduction. Creates sec. 198A to provide for expensing of disaster expenses for control of hazardous substances. Specifies treatment of nonqualified deferred compensation plans maintained by foreign corporations.

- Sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5, which suspends the special rules for original issue discount on high yield obligations issued during the period 9/1/2008 and 12/31/2009. Allows a 75% exclusion for small business stock issued between 1/17/2009 and 12/31/2009. Provides that no built-in-gain tax is imposed on a tax-option (S) Corporation for a taxable year beginning in 2009 and 2010 if the seventh taxable year in the corporation's recognition period preceded such taxable year. Tax-exempt obligations held by financial institutions, in an amount not to exceed 2 percent of the adjusted basis of the financial institution's assets, are not taken into account for determining the portion of the financial institutions interest expense subject to the pro rata interest disallowance rule of sec. 265(b). Modification of the small insurer exception to tax-exempt interest expense allocation rules for financial institutions.

- Sections 211, 212, 213, 214, and 216 of P.L. 111-226, which adopts a matching rule to prevent the separation of foreign taxes from the associated foreign income, denies a foreign tax credit for the disqualified portion of any foreign income tax paid in connection with a covered asset acquisition, provides a separate application of foreign tax credit limitation to items resourced under treaties, limits the amount of foreign taxes deemed paid with respect to sec. 956 inclusions, treats a foreign corporation as a member of an affiliated group for interest allocation and apportionment purposes in more than 50% of gross income is effectively connected income and at least 80% of either the vote or value of all outstanding stock is owned directly or indirectly by members of the affiliated group.

- Sections 2011 and 2122 of P.L. 111-240, which provides a 100% exclusion for the gain on the sale of small business stock acquired after 9/27/2010 and before 1/1/2011, and clarifies the income sourcing rules for guarantee fees.

- Sections 753, 754, and 760 of P.L. 111-312, which excludes 60% of the gain on the sale of small business stock in an empowerment zone business to gain attributable to periods before 1/1/2016, specifies that gross income does not include gain on stock acquired before 1/1/2012 and held for more than 5 years, and excludes the gain on sale of small business stock acquired in 2011.

- Section 1106 of P.L. 112-95, which allows airline employees to contribute airline payment amounts under a bankruptcy claim to a traditional IRA as a rollover contribution.

- Sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240, which makes the alternative minimum tax exemption permanent and indexed for inflation, extends through 2013 the deduction with respect to income attributable to domestic production activities in Puerto Rico, extends the subpart F exception for active financing income, extends the look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company, provides 100% exclusion for gain on small business stock acquired in 2012 and 2013, extends through 2013 the reduction in tax-option (S) Corporation built-in gains tax and clarifies treatment of installment sales, provides a 60% exclusion for gain on small business stock acquired before

2019, and extends through 2013 the rules that allow gain certain sales of electric transmission property to be recognized ratably over 8 taxable years.

Other Exceptions to Internal Revenue Code

The following federal provisions in effect as of December 31, 2013, are specifically excluded for Wisconsin franchise and income tax purposes:

Domestic Production Activities Deduction. For federal purposes, taxpayers may claim a deduction against gross income equal to a percentage of its qualified production activities income or its taxable income without regard to the deduction (sec. 102 of P.L. 108-357). Effective for taxable years beginning on or after January 1, 2009, the domestic production activities deduction no longer applies for Wisconsin purposes.

Depreciation and Bonus Depreciation

For taxable years beginning on or after January 1, 2014, for purposes of computing depreciation, depletion, and amortization, the Internal Revenue Code means the federal Internal Revenue Code in effect on January 1, 2014.

The provision that property required to be depreciated for taxable year 1986 under the Internal Revenue Code as amended to December 31, 1980, to continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, is limited to taxable years beginning before January 1, 2014.

Section 179 Expense

For taxable years beginning on or after January 1, 2014, sections 179, 179A, 179B, 179C, 179D, and 179E of the Internal Revenue Code, related to expensing of depreciable business assets, apply for Wisconsin tax purposes. "Internal Revenue Code" means the federal Internal Revenue Code in effect for the year in which the property is placed in service.

For combined groups, the section 179 expense limitation applies to the group as a whole, in the same way it would apply to a federal controlled group as provided in section 179(d)(6), IRC.

Capital Losses

Wisconsin generally follows the capital loss limitations and carryovers provided under the IRC for corporations. If a corporation has a net capital loss, the loss must be carried to other taxable years and deducted from capital gains in those years, as provided in IRC section 1212. However, for Wisconsin purposes, a corporation can't carry back a loss to taxable years before 1987. Losses that can't be carried back may be carried forward 5 years.

Limitations on Certain Federal Deductions

You may have to recompute federal deduction limitations for Wisconsin purposes if the amount of your federal taxable income for federal purposes differs from your federal taxable income as determined under the Internal Revenue Code in effect for Wisconsin. Differences in your federal taxable income for federal and Wisconsin purposes may arise for the following reasons:

- A provision of the federal Internal Revenue Code is excluded from the definition of "Internal Revenue Code" in effect for Wisconsin under sec. 71.22(4), Wis. Stats.
- Different elections under the Internal Revenue Code are made for federal and Wisconsin purposes

The deduction limitations are applied in computing federal taxable income *before* the Wisconsin modifications prescribed in secs. 71.26(2) and (3) and 71.30, Wis. Stats. Therefore, you may not recompute deduction limitations as a result of making Wisconsin modifications.

The following examples further illustrate how the limitations on federal deductions apply in the case of section 179 expense:

Example 1: Corporation B reports federal taxable income of zero for the current taxable year and Wisconsin taxable income of $20,000. The difference results from adding to federal income the $20,000 of state income taxes paid that the taxpayer had deducted on its federal return. For federal purposes, the taxpayer has $25,000 of section 179 expense, but is limited by its business income to claiming a deduction of $5,000 and carrying forward the $20,000 balance.

For Wisconsin purposes, the section 179 deduction is limited to $5,000, the federal amount. The Wisconsin section 179 deduction cannot be recomputed since the addback for state income taxes is a modification prescribed in sec. 71.26(3)(g), Wis. Stats.

Example 2: Corporation F claims no section 179 expense deduction but $16,000 of bonus depreciation on its federal return for the current taxable year. The taxpayer could have elected to claim a section 179 expense deduction on its federal return in addition to or instead of the bonus depreciation. The taxpayer may elect to claim the $16,000 as a section 179 expense deduction on its Wisconsin return so that the computation of its regular MACRS allowance is the same for federal and Wisconsin purposes.

Federal Consolidated Return Regulations

In general, Wisconsin does not follow sections 1501 to 1505, 1551, 1552, 1563, or 1564 of the IRC, relating to consolidated returns. However, for combined groups, Wisconsin applies certain regulations under section 1502, IRC, similarly to how they would apply to consolidated groups for federal purposes. See s. Tax 2.61(6), Wisconsin Administrative Code for details.

Differences Between Federal and Wisconsin Basis of Assets

Assets of Previously Nontaxable Corporations. For the first year a corporation is taxable in Wisconsin, the basis of its assets is its federal basis as computed under the "Internal Revenue Code" as the term is defined for Wisconsin purposes in sec. 71.22(4), Wis. Stats. Provisions of the federal Internal Revenue Code that don't apply for Wisconsin purposes are ignored when determining the corporation's asset basis for Wisconsin purposes.

General Instructions for Apportionment

Who Must Use Apportionment

A corporation engaged in a unitary business in and outside Wisconsin or a combined group engaged in business in and outside Wisconsin must report a portion of its total net income to Wisconsin using the apportionment method, unless the Department gives permission to use separate accounting.

To use the apportionment method, a corporation or combined group must have business activity sufficient to create nexus in Wisconsin and at least one other state or foreign country. "Nexus" means that a corporation's business activity is of such a degree that the state or foreign country has jurisdiction to impose an income tax or franchise tax measured by net income.

Wisconsin's Administrative Code provides more detailed information about when apportionment is required. The following sections may be helpful:

- Tax 2.39, Apportionment Method
- Tax 2.62, Unitary Business
- Tax 2.82, Nexus

Apportionment Method

Under the apportionment method, a corporation or combined group shows all of its income and deductions attributable the unitary business and assigns a part to Wisconsin according to an apportionment percentage. In a combined group, the apportionment percentage of the combined group is determined by each combined group member's apportionment factor numerator divided by the sum of all group members' apportionment factor denominator.

For most corporations required to use apportionment, the apportionment factor numerator is Wisconsin sales and the denominator is total company sales. This is known as the "single sales factor" method. Corporations that use the single sales factor method use Part I of Form A-1, *Wisconsin Apportionment Data for Single Factor Formulas*, to compute their apportionment percentage.

However, certain specialized industries do not use the single sales factor method. Instead, they apportion their incomes under provisions of the Wisconsin Administrative Code, or in the case of insurance companies, under a separate subchapter of the Wisconsin Statutes. Companies that don't use the single sales factor include:

- Direct air carriers
- Interstate air freight forwarders affiliated with a direct air carrier
- Motor carriers
- Railroads
- Pipeline companies
- Financial organizations, including financial institutions, brokers-dealers, investment advisers, investment companies, and underwriters
- Telecommunications companies
- Insurance companies

Among these specialized industries, financial organizations and insurance companies have single-factor formulas that are similar to the single sales factor. Financial organizations use a receipts factor, and insurance companies use a premiums factor.

All corporations that use a single sales factor, receipts factor, or premiums factor use the applicable part of Form A-1 to compute their numerator and denominator. All corporations that use a multiple-factor formula use the applicable part of Form A-2, *Wisconsin Apportionment Data for Multiple Factor Formulas*, to compute their numerator and denominator.

For corporations that are not in combined groups, the apportionment percentage is the ratio computed on Form A-1 or Form A-2. For combined groups, each corporation's numerator and denominator from Form A-1 or Form A-2, as applicable, is carried forward to Form6, Part III, lines 1a and 1b, where the combined group computes its apportionment percentage on line 1d.

Nonapportionable Income

A corporation or combined group that is required to use apportionment may have nonapportionable income. Nonapportionable income is income which is allocable directly to a particular state. It includes income or loss derived from the sale of nonbusiness real or tangible personal property or from rentals and royalties from nonbusiness real or tangible personal property. This income is assigned to the state where the property is located.

Nonapportionable income also includes income that is realized from the sale of or purchase and subsequent sale or redemption of lottery prizes if the winning tickets were originally bought in Wisconsin.

Total nonapportionable income (or loss) is removed from net income before the apportionment percentage is applied. The amount allocable to Wisconsin is then combined with the Wisconsin share of apportionable income to arrive at Wisconsin net income. If a corporation has nonapportionable income, it must report that income on Form N, *Wisconsin Nonapportionable and Separately Apportioned Income*.

CAUTION: Intangible income of a personal holding company is apportionable unless it qualifies as nonapportionable income under the same standard that applies to other corporations.

Separately Apportioned Income

A corporation that is a combined group member may have income that is required to be apportioned separately from the group's combined unitary income. This may happen in cases where the member has income or loss from the unitary business that is excluded from combined unitary income under the water's edge rules. It may also happen in cases where the member has apportionable income or loss from a separate unitary business. In either case, the corporation would complete Form N to report the separately apportioned income. See the Form N instructions for details.

Corporate Partners or LLC Members

A corporation that is a general or limited partner of a partnership must include its share of the numerator and denominator of the partnership's apportionment factors in its own apportionment factors. A corporation that is a member of a limited liability company (LLC) treated as a partnership for federal tax purposes must include its share of the numerator and denominator of the LLC's apportionment factors in its own apportionment factors.

NOTE: A corporation that is a general or limited partner in a partnership or a member of an LLC treated as a partnership should obtain a detailed breakdown of the partnership's or LLC's apportionment factors so the corporation can include its share of those factors in the computation of its own apportionment factors.

However, income from a partnership or LLC may be nontaxable under the principles of the U.S. Supreme Court decision in *Allied-Signal v. Director, Div. of Taxation*, 504 U.S. 768 (1992), if the investment is passive and does not serve an operational function. In this case, the corporation would not include its share of the partnership's or LLC's apportionment factors in the numerator and denominator of its apportionment factors. Remove this item of income by completing Form C.

Separate Accounting

A corporation that has income or loss from a business outside Wisconsin that is not part of a unitary business cannot use apportionment. Instead, it must determine the income attributable to Wisconsin by separate accounting. Under separate accounting, the corporation must keep separate records of the sales, cost of sales, and expenses for the Wisconsin business. The corporation uses Form C, *Separate Accounting Data*, to report the amount attributable to Wisconsin by separate accounting.

A unitary business may use separate accounting only with the approval of the Department. In the application for approval, the corporation must explain, in detail, why separate accounting more clearly reflects the corporation's Wisconsin income. See the instructions for Form C for how to obtain approval to use separate accounting.

Treatment of Specialized Industries and Entities

Foreign Sales Corporations (FSCs)

FSCs no longer receive special treatment for Wisconsin. The income and tax of FSCs are computed in the same manner as for other corporations.

Interest Charge Domestic International Sales Corporations (IC-DISCs)

IC-DISCs have no special status for Wisconsin tax purposes. An IC-DISC that is a viable corporation with substance and has nexus in Wisconsin is taxed like any other corporation. However, if an IC-DISC doesn't carry on any substantial business activities and does nothing to earn the income that it reports, its net income is allocated to the corporation that earned the income.

Insurance Companies

An insurance company may be required to make certain adjustments that are unique to insurance companies. These adjustments include:

- Adding back loss carryforward deducted in the calculation of federal taxable income and dividend income excluded from federal taxable income
- Adding back the IRC section 847 deduction, relating to an additional deduction for insurers required to discount unpaid losses (this deduction isn't allowed for Wisconsin purposes)
- Subtracting nontaxable income attributable to life insurance operations
- Reducing current year net business loss by the amount of dividends received deduction
- Adjusting net tax liability so that it doesn't exceed 2% of gross premiums plus 7.9% of income realized from lottery prizes

All of these adjustments are computed on Wisconsin Schedule 6I, *Wisconsin Adjustments for Insurance Companies*. Schedule 6I is prepared for each combined group member that is an insurance company. The amounts on Schedule 6I flow through to Form 6, Part II, line 2i, Form 6, Part II, line 4n, or Form 6, Part III, line 6, as appropriate. See the Schedule 6I instructions for details.

If an insurance company is a small company as defined in IRC section 831(b)(2), the company may elect to be taxed on taxable investment income as provided in IRC section 831(b), rather than on net income.

Personal Holding Companies

Personal holding companies no longer receive special treatment for Wisconsin. The intangible income of a personal holding company is apportionable income unless it qualifies as nonapportionable income under the same standard that applies to corporations that aren't personal holding companies.

RICs, REMICs, REITs, and FASITs

Corporations that qualify as regulated investment companies (RICs), real estate mortgage investment conduits (REMICs), real estate investment trusts (REITs), or financial asset securitization investment trusts (FASITs) under the Internal Revenue Code cannot be included in a combined group. Rather, they must file as separate entities on Form 4. See s. Tax 2.61(2)(c), Wisconsin Administrative Code, for details.

Tax Exempt Organizations

If a tax exempt organization is a corporation and has unrelated business taxable income as defined in IRC section 512, it may be included in a combined group if it meets the three tests presented in the section *Separate Return or Combined Return?* If the organization is in a combined group, it must be included in the combined group's Form 6. If the organization is not in a combined group, it must file Form 4T, *Wisconsin Tax Exempt Organization Business Franchise or Income Tax Return*.

Regardless of whether the tax exempt organization is a member of a combined group, you should not make any Wisconsin addition or subtraction modifications to its federal unrelated business taxable income except to account for IRC provisions which were not adopted for Wisconsin purposes. However, you would not make addition modifications to include Wisconsin credits in income.

Urban Transit Companies

Certain urban transit companies are subject to a special tax under sec. 71.39, Wis. Stats. Contact the Department for further information.

Line-by-Line Instructions for Form 6

Page 1

You must complete pages 1 through 14 of Form 6 and the appropriate schedules referenced on Form 6. Do not enter "See attached" instead of completing the entry spaces. If more space is needed, submit separate sheets using the same size and format as the printed forms.

Round cents to the nearest whole dollar by eliminating amounts less than 50 cents and increasing amounts from 50 cents through 99 cents to the next higher dollar.

Do not write "None" on the amount lines if there is not an entry for the lines. Instead, leave the lines blank.

CAUTION: Federal line numbers referred to on Form 6 are based on the information available when the instructions were completed and may change if the IRS makes subsequent modifications.

■ **Header Information –** Before completing items A through D, fill in the combined group's 2016 taxable year at the top of the form and the designated agent's name and address. The name and address information should be written on single lines. Do not stack the information on the lines. If more room is needed, abbreviate where possible.

■ **Item A. Federal Employer Identification Number –** Enter the designated agent's federal employer identification number (FEIN).

■ **Item B. No Business Transacted in Wisconsin –** If the corporation was incorporated under Wisconsin law or licensed to do business in Wisconsin but had no property or activity (nexus) in Wisconsin for the taxable year, or is protected from filing tax returns because of Public Law 86-272, check here. Submit a complete copy of the corporation's federal return with your Form 6.

■ **Item C. State and Year of Incorporation –** Enter the 2-letter postal abbreviation for the state (or name of the foreign country) under whose laws the designated agent corporation is organized and the year of incorporation.

■ **Item D1. Amended Return –** Check here if this is an amended return. Circle the number in front of, or provide an explanation of, the lines that you are changing and a detailed explanation of the changes made, including any supporting form or schedule. Do not include a copy of the original return with the amended return.

File your amended return electronically by using one of the third party software providers:

revenue.wi.gov/eserv/corp/third.html

■ **Item D2. First Return -** Check here if this is the first year that you are filing a Wisconsin return because the corporation wasn't in existence or didn't do business in Wisconsin in prior years.

■ **Item D3. Final Return –** Check here if the corporation ceased to exist or withdrew from Wisconsin during the year. If the corporation liquidated, provide a copy of your plan of liquidation and federal Form 966.

■ **Item D4 and D5. Short Period –** Check the applicable line if a short period return is being filed due to a change in the corporation's accounting period or a stock purchase or sale.

■ **Item D6. Controlled Group Election –** Check the box if the group wishes to make the controlled group election. If you check "Yes," you must attach a statement which provides all of the following:

- A list of every corporation in the commonly controlled group.
- A statement that each corporation has agreed to be bound by the election.
- A statement that the election shall apply to any member that subsequently enters the group.

What the Controlled Group Election Does. If a group makes the controlled group election, the entire commonly controlled group is deemed to be engaged in a single unitary business, regardless of whether the companies are actually engaged in a unitary business. Additionally, all income of the commonly controlled group is considered to be apportionable income of that unitary business.

The controlled group election is binding for the taxable year it is elected and for the next nine taxable years.

NOTE: The controlled group election may simplify combined return filing because it eliminates the need to determine which corporations are engaged in the unitary business (Test 2). The controlled group election does not have any effect on the commonly controlled group (Test 1) or on water's edge (Test 3). The election applies for a ten-year period.

Requirements for Controlled Group Election. Any commonly controlled group is eligible to make the controlled group election, provided it is timely made. To be effective for the taxable year 2016, the election must be

made on a timely filed 2016 Form 6. A return filed under extension is considered timely filed.

In order for the election to be effective, the return must include an attached statement as described in the instructions for line 1.

Section Tax 2.63, Wisconsin Administrative Code, provides more information about the continuity of the controlled group election, including rules that apply in cases of corporate reorganizations.

■ **Line 1. Combined Unitary Income –** You must complete pages 2 through 7 of Form 6 to compute the amount to enter on line 1. The amount on Form 6, line 1 must equal the amount on Form 6, Part II, line 8. This amount represents the combined unitary income of the group. However, this amount does not include non-sharable net capital loss carryovers or capital gain/loss items that are not includable in combined unitary income. See the instructions to Form 6CL for details.

■ **Line 2. Wisconsin Apportionment Percentage –** If the combined group is using apportionment, complete Wisconsin Form A-1 or Form A-2, as applicable, separately for each member of the group.

Then, enter the numerators and denominators from Form A-1 or A-2, as applicable, on Form 6, Part III, lines 1a and 1b. The combined group's apportionment percentage will be computed on line 1d. See the instructions to Forms A-1, and A-2 (as applicable) for details. Also see the *General Instructions for Apportionment* presented earlier in these instructions.

If the combined group doesn't use apportionment because it does business only in Wisconsin, enter "100.0000%."

NOTE: On line 2, ***Fill all spaces to the right of the decimal point.*** Round to the nearest ten-thousandths of a percent (for example, 12.3456%).

■ **Line 4. Wisconsin Nonapportionable and Separately Apportioned Income –** Complete this line only if you entered an amount on Form 6, Part II, line 6 and some of the income you excluded from combined unitary income is allocable or apportionable to Wisconsin. For each applicable member, compute this amount on Form N, line 14, and enter it on Form 6, Part III, line 4 for each member. On line 4 of page 1, enter the combined total from Form 6, Part III, line 4. See the instructions to Forms N for details.

■ **Line 6. Net Capital Loss Adjustment –** Enter the combined total from Form 6, Part III, line 5. For each applicable member, this amount represents an additional deduction allowable to the member to account for net capital loss carryovers that could not be shared with the rest of the group. To compute the amount on line 5 of Part III, you must prepare Form 6CL, *Net Capital Loss Adjustment*, for each applicable member. See the instructions for Forms 6CL and Form 6, Part III, line 5 for details.

■ **Line 8. Loss Adjustment for Insurance Companies –** Enter the combined total from Form 6, Part III, line 6. This is where insurance companies adjust their current year net business loss so that the carryforward to next year is computed without regard to the dividends received deduction, as required under sec. 71.45(4), Wis. Stats. For each applicable insurance company in the group, you would compute this amount on line 24 of Schedule 6I. See the Schedule 6I instructions for details.

■ **Line 10. Wisconsin Net Business Loss Carryforward –** Enter the combined total from Form 6, Part III, line 7. In Part IV of Form 6, each combined group member applies its own net business loss carryforward against its own income and accounts for any net business loss carryforwards that are eligible to be shared. See the Part IV instructions for details.

See section Tax 2.61(9), Wisconsin Administrative Code, for rules that explain when net business loss carryforwards may be shared among combined group members and how the sharing is administered.

CAUTION: On line 10, do not enter the sum of all members' amounts from Form 6BL. You must first compute Form 6, Part IV for each member to determine the amount of loss eligible to be used. On line 10, enter the combined total of all the members' amounts on Form 6, Part III, line 7.

■ **Line 11. Wisconsin Net Income (Loss) –** Subtract line 10 from line 9. If line 9 shows a loss, enter the loss from line 9 on line 11.

■ **Line 12. Gross Tax –** Enter total from all members Form 6, Part III, line 9 combined total column.

■ **Line 13. Nonrefundable Credits –** Enter the amount from the combined total column of Form 6, Part III, line 10. On Form 6, Part V, each combined group member applies its own available credits against its own tax liability, and also applies any research credits that are eligible to be shared with the other members of the group. See the Part V instructions for details.

CAUTION: On line 13, do not enter the sum of all members' available credits. You must first compute Form 6, Part V for each member to determine the amount of credit eligible to be used. On line 13, enter the sum of the combined total of all members' credits from Form 6, Part III, line 10.

If any member of the group is sharing its research credits, you'll need to complete Form 6CS, *Sharing of Research Credits*. See the Form 6CS instructions for details of what research credits may be shared and how to compute the shared amount. Also see s. Tax 2.61(10), Wisconsin Administrative Code, for rules that apply to sharing research credits.

■ **Line 14. Net Tax –** Subtract line 13 from line 12. If line 13 is more than line 12, enter zero (0).

■ **Line 15. Economic Development Surcharge –** Enter the sum of each member's economic development surcharge from the combined total column of Part III, line 11c of Form 6. See the Part III, line 11instructions for details.

■ **Line 16. Endangered Resources Donation –** Your donation supports the preservation and management of more than 200 endangered and threatened Wisconsin plants and animals. It also helps protect Wisconsin's finest remaining examples of prairies, forests, and wetlands.

Support endangered resources in Wisconsin. Fill in line 16 with the amount you wish to donate. Your gift will either reduce your refund or be added to tax due.

You can make an online donation at the following web site: dnr.wi.gov/topic/EndangeredResources/DonateOnline.asp

You can also send a check directly to the Endangered Resources Fund, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921.

■ **Line 17. Veterans Trust Fund Donation –** You may designate an amount as a veterans trust fund donation. Your donation will be used by the Wisconsin Department of Veterans Affairs for the benefit of veterans or their dependents. Fill in line 17 with the amount you wish to donate. Your donation will either reduce your refund or be added to tax due.

■ **Line 19. Estimated Tax Payments –** In general, the designated agent must make estimated payments on behalf of the entire combined group. Enter the total estimated tax payments applicable to the period included in the combined return, regardless of whether those payments were made by designated agent or by other members of the combined group. Include EFT payments, payments made with a Form Corp-ES voucher, or overpayments applied from prior years' returns, minus any "quick refund" applied for on Form 4466W.

■ **Line 20. Wisconsin Tax Withheld –** Enter the sum of each member's Wisconsin tax withheld as reported on the combined total column from Form 6, Part III, line 12. See the Part III, line 12 instructions for details. If this is an amended return, enter the Wisconsin tax withheld reported on your original return, unless the amount you originally reported was incorrect.

■ **Line 21. Refundable Credits –** Enter the sum of the each member's refundable credits from the combined total column of Form 6, Part III, line 13. See the Part III, line 13 instructions for details.

■ **Line 22. Amended Return - Amount Previously Paid -** Complete this line only if this is an amended 2016 Form 6. Fill in the amount of tax you paid with your original Form 6 plus any additional amounts paid after it was filed.

If you did not pay the full amount shown your original Form 6, fill in only the portion that you actually paid. Also, include any additional tax that may have resulted if your original return was changed or audited. This includes additional tax paid with a previously filed 2016 amended return and additional tax paid as a result of a department adjustment to your return. Do not include payments of interest or penalties.

■ **Line 24. Amended Return - Amount Previously Refunded -** Complete this line only if this is an amended 2016 Form 6. Fill in the refund from your original 2016 return (not including the amount applied to your 2017 estimated tax).

If your refund was reduced because you owed underpayment interest or any penalties, fill in the amount of your refund before the reduction for underpayment interest or penalty. If your 2016 return was adjusted by the department, fill in the refund shown on the adjustment notice you received. If the adjustment notice shows a tax due rather than a refund, complete line 22 instead of line 24.

■ **Line 26. Interest, Penalty, and Late Fee Due –** The combined group is generally treated as a single corporation for purposes of determining required estimated payments and any interest, penalty, or late fee due. See the instructions to Form U for details. Enter the amount from Form U, line 17 or 26. Check the box if you figured underpayment interest using the annualized income installment method on Form U, page 2.

If you are filing an amended return and you were previously assessed interest for underpayment of estimated taxes, complete an amended Form U, Part I, based on the total of the amounts shown on Form 6, lines 14 and 15. Enter the difference between the underpayment interest from the amended Form U, line 17, and the amount you previously paid on Form 6, line 26. Show an overpayment as a negative number. File Form U with your amended return. Otherwise, leave line 26 blank. The Department will compute interest on the amount of refund approved or tax owed.

■ **Line 27. Tax Due –** If the total of lines 18 and 26 is larger than line 25, subtract line 25 from the total of lines 18 and 26. Pay by electronic funds transfer through My Tax Account, the Department's free online business tax system, or mail your check with a 2016 Form Corp-ES, *Corporation Estimated Tax Voucher*, to the address shown on the

voucher. Otherwise, paper clip your check to the front of Form 6.

■ **Line 28. Overpayment –** If line 25 is larger than the total of lines 18 and 26, subtract the total of lines 18 and 26 from line 25.

CAUTION: If you must recapture a development zones investment credit because the property is disposed of or ceases to be qualified property before the end of the recapture period, add the amount from line 11 of the schedule located on page 5 of the Schedule DC instructions to the tax due on line 27 or reduce the overpayment on line 28.

■ **Line 29. 2017 Estimated Tax –** Enter the amount of any overpayment from line 28 that is to be credited to the combined group's 2017 estimated tax. The balance of any overpayment will be refunded. An overpayment shown on a final return will be refunded to the designated agent. You cannot claim these payments on the surviving corporation's return in a merger situation.

If this is an amended return and you have already filed your 2017 return, include on line 29 the overpayment that you claimed as a credit on your 2017 return or on your previously filed original or amended 2016 return. Otherwise, you may allocate the overpayment from line 28 between line 29 and line 30 as you choose.

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Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.

■ **Line 1. Net Income from Federal Consolidated Return** -- ***Differing Taxable Years.*** In general, the combined return will use the same taxable year as the federal consolidated return. However, if there is more than one federal consolidated return and the consolidated returns use differing taxable years, the information you enter on line 1 should be for the taxable year that is included in this combined return. Generally, this is the taxable year that ended during the combined group's taxable year.

If a federal consolidated group uses a different taxable year than the rest of the combined group and you chose to include those members' income in this return by preparing a separate income statement for the months included in the combined group's taxable year, then prepare separate income statements for all members of that federal consolidated group and include the total from those separate income statements on line 1.

More Than Three Federal Consolidated Groups. If there are more than three federal consolidated groups in the combined group, enter the information for the two largest federal consolidated groups on line 1, respectively. Then prepare a separate schedule to identify the remaining federal consolidated groups and their amounts from Form 1120, line 28. On line 1, enter the sum of the Form 1120, line 28 amounts from the separate schedule and enter "See attached" on the line for Parent Company Name.

■ **Line 2. Corporations in Combined Group Which Are Not in Federal Consolidated Return –** Examples of corporations included in the combined group which are not in the federal consolidated return include:

Corporations with Less Than 80% Common Ownership – Identify any companies that are in the combined group but are not included in a federal consolidated return because they do not meet the 80% ownership test required to file a federal consolidated return. On a separate schedule, list each of the companies you identified, its federal employer identification number (FEIN), and federal taxable income from Form 1120, line 28 or from whichever federal form applies to the corporation.

Foreign Corporations – Identify any companies that are in the combined group but are not included in a federal consolidated return because they are foreign corporations. On a separate schedule, list each of those companies, its federal employer identification number (FEIN), and federal taxable income.

Include all income that is effectively connected with the conduct of a trade or business in the United States, plus any other U.S. source income. For federal purposes, these amounts may have been reported on Form 1120-F or they may have been amounts for which federal income tax was withheld by the payer.

NOTE: If federal income was reduced by provisions of a federal treaty, enter the amount after applying the provisions of the federal treaty. If a federal treaty reduced the federal tax rate, include the entire amount of federal income, including the income to which the reduced rate applied.

Other Corporations Not in Consolidated Group – Identify any other companies that are in the combined group but are not included in a federal consolidated return. On a separate schedule, list each of those companies, its federal employer identification number (FEIN), and federal taxable income, and explain why the company is not includable in a federal consolidated return.

■ **Line 4. Corporations in Federal Consolidated Return Which are Not Combined Group Members --** Identify all companies included in the federal consolidated return(s) on line 1 that aren't includable in the combined group.

For each company you identify, determine its "separate taxable income" as computed for federal income tax purposes under Treas. Reg. §1.1502-12. That is, determine its federal taxable income without regard to any items that had to be accounted for at the consolidated group level, such as capital gains and losses, section 1231 gains and losses, involuntary conversions, and charitable contributions.

Corporations Not Engaged in the Combined Group's Unitary Business **–** On a separate schedule, list each of those companies, its federal employer identification number (FEIN), and federal separate taxable income. Enter the total of the federal separate taxable incomes on line 4.

CAUTION: If the group made the controlled group election, do not enter any amounts on line 4. Under the controlled group election, all corporations in the commonly controlled group are considered to be engaged in the same unitary business.

Corporations Not in the Combined Group Under Water's Edge Rules **–** Identify any companies included in the federal consolidated return(s) that are *completely* excluded from the combined group under the water's edge rules, but do not include companies already accounted for on line 1. On a separate schedule, list each company excluded under the water's edge rules, its federal employer identification number (FEIN), and federal separate taxable income. Enter the total of the federal separate taxable incomes on line 4.

The following is an explanation of the water's edge rules:

Water's Edge Rules in General. The water's edge rules are explained in s. Tax 2.61(4), Wisconsin Administrative Code. In part, these rules provide that if a foreign (non-U.S.) or domestic (U.S.) corporation is an "80/20 corporation," it may be excluded from a combined group even if it is otherwise part of the group's unitary business.

The water's edge rules also provide that for some corporations, only part of their income from the unitary business is includable in the combined unitary income, with the remainder accounted for on a separate entity basis. The instructions for Form 4N, *Wisconsin Nonapportionable and Separately Apportioned Income*, describe these aspects of the water's edge rules in more detail.

NOTE: If a combined group member has some income that is includable in combined unitary income and some that is excluded under the water's edge rules, do not report the excluded amount on line 4. Instead, report the excluded amount on Form N, line 7.

Qualifying as an "80/20 Corporation." A corporation is considered to be an "80/20 corporation" if 80 percent or more of its worldwide gross income during the taxable year that would otherwise be includable in the combined return is "active foreign business income" as defined in section 861(c)(1)(B) of the Internal Revenue Code (as amended to December 31, 2010) . An 80/20 corporation may be either a foreign corporation or a domestic corporation, as long as it meets the active foreign business income test.

Under section 861(c)(1)(B) of the Internal Revenue Code, "active foreign business income" means gross income which is both:

1. Derived from sources outside the United States, as determined under subchapter N of the Internal Revenue Code, and

2. Attributable to the corporation's active conduct of a trade or business in a foreign country or possession of the United States.

For special rules regarding the 80/20 test as it relates to parent-subsidiary chains, disregarded entities, and part-year group members, see s. Tax 2.61(4)(b), Wisconsin Administrative Code.

Foreign 80/20 Corporations. If an 80/20 corporation is a foreign corporation, then it is not a member of the combined group unless it elected to be included in a consolidated return for federal purposes. If a foreign 80/20 corporation was not included in a federal consolidated return, you do not have to account for it on line 4.

If a foreign 80/20 corporation elected to be included in a consolidated return for federal purposes, it is treated in the same way as a domestic 80/20 corporation, described next.

Domestic 80/20 Corporations. If a domestic corporation is an 80/20 corporation, then its income includable in the combined unitary income is limited to only U.S. source income as provided in sections 861 through 865 of the Internal Revenue Code. Further, that U.S. source income must be of one of the following types to be included in combined unitary income:

1. Interest income or income generated from intangible property, regardless of who the payer is.

2. Income derived from interest or intangible expenses of other combined group members, to the extent not already included in 1. above.

3. Dividends from a real estate investment trust (REIT) that is not a "qualified REIT" under sec. 71.22(9ad), Wis. Stats.

4. Gains or losses derived from the sale or lease of real or personal property located in the United States.

The expenses attributable to these types of income, including an allocated share of indirect expenses, are also includable in combined unitary income.

The water's edge rules for domestic 80/20 corporations, summarized above, are specifically provided in sec. 71.255(2)(d), Wis. Stats., and s. Tax 2.61(4)(d)2., Wisconsin Administrative Code. In the statute, the term "consolidated foreign operating corporation" is used to describe a domestic 80/20 corporation. The terms "domestic 80/20 corporation" and "consolidated foreign operating corporation" have the same meaning.

If a domestic 80/20 corporation (or a foreign 80/20 corporation that elects to be included in a federal consolidated return) does not have U.S. source income of the types described in 1. through 4. above, it is not a combined group member. Include its federal separate taxable income on line 4.

Other Corporations Not in the Combined Group **–** Identify any companies you didn't account for on line 4 that are in a federal consolidated group but not the combined group. On a separate schedule, list each of those companies, its federal employer identification number (FEIN), and federal separate taxable income, and explain why the company is not includable in the combined group. Enter the total federal separate taxable income of these companies on line 4.

■ **Line 7. Federal Net Income of Corporations in Controlled Group that are Not in Federal Consolidated Return or Combined Return –** Enter the total net income, as reported for federal income tax purposes, of all companies that are in the controlled group but are not in the federal consolidated return or combined return. Attach a schedule identifying each corporation.

■ **Line 8. Gross Sales –** Enter the total gross sales that correspond to the income amount on line 7. Don't include sales that were not includable in federal gross income.

■ **Lines 9 through 11. Contact Information and Miscellaneous –** Provide the information as instructed on the form.

■ **Third Party Designee –** If you want to allow a tax preparer or tax preparation firm, or any other person you choose to discuss your 2016 tax return with the Department of Revenue, check "Yes" in the "Third Party Designee" area of your return. Also, fill in the designee's name, phone number, and any five digits the designee chooses as his or her personal identification number (PIN). If you check "Yes," you are authorizing the department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- Give the department any information missing from your return,
- Call the department for information about the processing of your return or the status of your refund or payment(s), and
- Respond to certain department notices about math errors, offsets, and return preparation.

You are not authorizing the designee to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the department. If you want to expand the designee's authorization, you must submit Form A-222 (*Power of Attorney)*. The authorization will automatically end no later than the due date (without regard to extensions) for filing your 2017 tax return.

■ **Signatures –** An officer of the designated agent corporation must sign at the bottom of page 2. If the return is prepared by someone other than an employee of the corporation, the individual who prepared the return must sign the form in the space provided for the preparer's signature and furnish the preparing firm's federal employer identification number. A self-employed individual must enter "PTIN" and the preparer tax identification number in the space for the preparer's federal employer identification number.

Part I: Modified Federal Taxable Income

Enter the corporation's name and federal employer identification number. For paper filers, enter as much of the corporation's name that will fit in the space provided. The full corporation name will be entered on Part VI of Form 6. **Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.**

Enter the information for each member in a separate column. If there are more than three members, use additional pages 3 and 4 of Form 6. Enter the elimination adjustments for all members in elimination adjustments column as **positive and negative values**. A positive value will increase the total of the member's amounts reported in the combined total column and a negative value will decrease the total of the member' amounts reported in the combined total column. If more than three members exist, enter the elimination entries on the final pages 3 and 4 completed. Once all members have been entered and the elimination adjustments column completed, compute the combined total column for all the members of the group by summing the amounts in the member's columns with the elimination adjustments.

For example, if there are seven members in the combined group, enter members one through three on pages 3 and 4 of Form 6, leaving the elimination adjustment column and

combined total column blank. Next, enter members four through six on pages 3 and 4 of Form 6, leaving the elimination adjustments column and combined total columns blank. Finally, complete another page 3 and 4 of Form 6 for the seventh and final member. Leave the other two columns blank, enter the elimination adjustments as positive and negative values, and enter the combined totals for all members of the group in the final column.

■ **Lines 1 through 26. Modified Federal Taxable Income** – Enter the information for each member of the combined group from the member's federal corporate return. Lines 1 through 26 are identical to federal Form 1120. If you are using a form other than federal Form 1120, enter the information on lines 1 through 26 that corresponds to the form you are filing. Be sure the taxable income reported on line 28 is the taxable income for the form you are filing.

■ **Lines 29 through 33 –** If the elimination adjustments on lines 1 through 26 already accounted for the recomputed capital gains, charitable contributions, and intercompany transactions, skip lines 29 through 33 and leave the lines blank.

■ **Line 29. Net Capital Gains Included on Line 28 –** Enter the total of the net capital gains reported on the consolidated return(s) shown on Form 6, page 2, line 1, and on the separate federal returns for any companies included on Form 6, page 2, line 2**.** Generally, these amounts are on line 8 of Form 1120 or 1120-F. Enter as a negative number in the columns for each member. The elimination adjustment column may be positive or negative.

■ **Line 30. Recomputed Net Capital Gain --** Line 30 is generally computed by applying the capital loss limitation to the group as a whole in the same manner it would apply to a federal consolidated group under Treas. Regs. §1.1502-22 and 1.1502-23.

To compute the amount on line 30, complete a separate federal Schedule D, *Capital Gains and Losses*, and the federal schedules referenced in Schedule D, including Form 4797, *Sales of Business Property*, and Form 4684, *Casualties and Thefts*, where applicable, as if the Wisconsin combined group is a federal consolidated group, but with two important exceptions:

1. Do not include any net capital loss carryovers that are non-sharable losses.

2. Do not include any gain or loss amounts that aren't includable in combined unitary income.

Each of these exceptions is described in detail below. If the computation on the federal Schedule D for the combined group results in a net capital gain, enter that net capital gain as a positive amount on line 30. Submit a copy of your recomputed federal Schedule D, Form 4797, and Form 4684, as applicable, with your return.

Non-sharable Losses. Non-sharable capital losses that cannot be included in the computation of line 30 are those that originated:

- In a taxable year beginning before January 1, 2009, or
- In the combined unitary income of another combined group, or
- In transactions that were reportable on a separate entity basis.

The rules which characterize a net capital loss as sharable or non-sharable are the same as those that characterize a net business loss as sharable or non-sharable. For special rules that apply in cases of subgroups and a corporation's options regarding sharable losses, see s. Tax 2.61(9), Wisconsin Administrative Code.

CAUTION: Do not include net capital loss carryovers from taxable years beginning before 2009 in the computation of the group's net capital gain on line 30.

Combined group members that have non-sharable capital loss carryovers may still use those carryovers to offset their share of the combined group's net capital gain. Those members should use Wisconsin Form 6CL, *Capital Loss Adjustment*, to claim their non-sharable capital loss carryovers. See the Form 6CL instructions for details.

Alternatively, a combined group member may choose to carry back a non-sharable capital loss carryover to a taxable year beginning before 2009 to the extent allowed under section 1212 of the Internal Revenue Code.

Gain or Loss Amounts Not Includable in Combined Unitary Income. A combined group member's capital gains and losses, section 1231 gains and losses, or gains and losses from involuntary conversions may not be includable in combined unitary income because they are attributable to a separate unitary business or because they are excluded under the water's edge rules.

In either case, instead of including these items in the computation of the group's net capital gain on line 30, report them separately for that member when you complete Part II of that member's Form N, *Wisconsin Nonapportionable and Separately Apportioned Income*. See the Form N instructions for details.

NOTE: If a combined group member's capital gains and losses, section 1231 gains and losses, or gains and losses from involuntary conversions are not includable in combined unitary income, report them on Part II of Form N, not on line 30.

■ **Line 31. Sum of Charitable Contributions, Net Section 1231 Losses, Involuntary Conversions –** Enter the sum of the charitable contributions deduction, net section 1231 losses, and losses from involuntary conversions reported on the consolidated return(s) shown on Form 6, page 2, line 1 and on the separate federal returns for any companies included on Form 6, page 2, line 2. Charitable contributions are generally on line 19 of Form 1120 or 1120-F. Section 1231 losses and losses from involuntary conversions are generally accounted for on federal Form 4797. Enter as a positive number in the columns for each member. The elimination adjustment column may be positive or negative.

■ **Line 32. Sum of Recomputed Charitable Contributions, Net Section 1231 Losses, Losses from Involuntary Conversions –** Enter the sum of the charitable contributions deduction and deductions for net section 1231 losses and involuntary conversions, as applicable, applying limitations at the combined group level. Enter as a negative number in the columns for each member. The elimination adjustment column may be positive or negative. Further details are shown below:

Charitable Contributions. Determine the charitable contributions deduction under Treas. Reg. §1.1502-24 as if the combined group is a federal consolidated group. Unlike net capital loss carryovers, unused charitable contribution deduction carryovers may be applied at the group level even if they were incurred in a taxable year beginning before 2009, as long as the carryover period has not expired.

Net Section 1231 Losses and Losses from Involuntary Conversions. If the computations on the federal Forms 4797 and 4684 prepared as described in the instructions for line 30 results in a net section 1231 loss, a loss from involuntary conversions, or both, include those losses on line 32.

■ **Line 33. Adjustment for Intercompany Deferrals –** On line 33 you will apply the provisions of Treas. Reg. §1.1502-13 so that intercompany transactions between members of the combined group are treated the same way as between members of a consolidated group for federal purposes.

Compute the amount on line 33 as follows:

1. For companies included in both the combined group and a federal consolidated group, reverse out the effect of adjustments you've already computed under Treas. Reg. §1.1502-13 for purposes of the federal return.

2. For all companies in the combined group, compute adjustments under Treas. Reg. §1.1502-13 as if the combined group is a federal consolidated group.

3. Compute the sum of the amounts derived from 1. and the ordinary income/loss items from 2. and enter the result on line 33.

Following are specific instructions for computing the amounts in these steps:

Step 1: Reverse Intercompany Adjustments for Federal Consolidated Group. If you had to compute intercompany adjustments under Treas. Reg. §1.1502-13 for purposes of the federal consolidated return and those adjustments are included in the amount on Form 6, page 2, line 5, then include on line 33 an amount to offset those adjustments. This amount may be either positive or negative.

CAUTION: You may have already reversed out intercompany transactions on Form 6, Part I, lines 29 and 31 if they consisted of capital gains, net section 1231 losses, or losses from involuntary conversions, or on Form 6, page 2, line 4 if they were for companies that aren't combined group members. Do not double-count these items when you compute line 33.

Step 2: Compute Intercompany Adjustments for Combined Group. Identify any transactions that took place between members of the combined group and compute adjustments to defer income, gain, or loss between those members in the same manner as prescribed for members of consolidated groups under Treas. Reg. §1.1502-13.

In general, Treas. Reg. §1.1502-13 provides that income, deduction, gain, or loss on transactions between members of a consolidated group is deferred so that these transactions do not affect the combined group's income as a whole. As an example, assume Corporations S and B are in a federal consolidated group. In Year 1, S sells land with a basis of $50,000 to B for $80,000. Under Treas. Reg. §1.1502-13, in Year 1, you would make an adjustment to exclude S's $30,000 gain from the group's income.

However, any gain that you defer you must recognize when a triggering event occurs. For Wisconsin purposes, all of the following are triggering events:

- The buyer resells the object of the deferred intercompany transaction to an entity that is not a member of the combined group,
- The object of the deferred intercompany transaction is used outside the combined group's unitary business as a result of the buyer's resale, conversion, or transfer of the asset, or
- The buyer and seller are no longer members of the same combined group.

Continuing the previous example, assume in Year 3, B sells the land to P, an unrelated party, for $90,000. In Year 3, you would make an adjustment to recognize S's $30,000 deferred gain from Year 1 in addition to the $10,000 of gain that B recognized on the sale to P.

However, since Wisconsin did not recognize Treas. Reg. §1.1502-13 for taxable years beginning before January 1, 2009, do not make adjustments to recognize gains or losses deferred under Treas. Reg. §1.1502-13 that were incurred in taxable years beginning before January 1, 2009.

NOTE: Do not make adjustments to recognize amounts under Treas. Reg. §1.1502-13 if the deferred gain or loss was incurred in a taxable year beginning before January 1, 2009.

See Treas. Reg. §1.1502-13 for more details and examples of how to compute adjustments for various types of intercompany transactions.

Step 3: Completing Line 33. For the intercompany adjustments you computed in Step 2, separate the amounts into ordinary income/loss items and capital gain/loss items (including section 1231 gains and losses and gains and losses from involuntary conversions).

Combine the amount you computed in Step 1 with the ordinary income/loss items you computed in Step 2. If the net effect is a reduction in the combined group's income, enter the amount on line 33 as a negative number. If the net effect is an increase in the combined group's income, enter the amount on line 33 as a positive number.

For the capital gain/loss items, you will have included those in the computation of line 30 and reported them on line 30 or 32, as applicable.

■ **Line 34. Other Adjustments Based on Federal Law –** Use line 34 to report any other adjustments that are necessary to reconcile the federal taxable income.

CAUTION: On line 34, do not include Wisconsin modifications that should be reported on Form 6, Part II, or separately reportable items that should be reported on Form N.

If there are adjustments reported on line 34, on a separate schedule list the name and federal employer identification number (FEIN) of each company with an amount included on line 34, the amount of adjustment for that company, and explain why the adjustment is necessary.

Part II: Unitary Income Computation

Enter the corporation's name and federal employer identification number. For paper filers, enter as much of the corporation's name that will fit in the space provided. The full corporation name will be entered on Part VI of Form 6.

Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.

Additions to Income:

Enter the information for each member in a separate column. If there are more than three members, use additional pages 5, 6, and 7 of Form 6. Enter the elimination adjustments for all members in elimination adjustments column as **positive and negative values**. A positive value will increase the total of the member's amounts reported in the combined total column and a negative value will decrease the total of the member' amounts reported in the combined total column. If more than three members exist, enter the elimination on the final pages 5, 6, and 7 completed. Once all members have been entered and the elimination adjustments column completed, compute the combined total column for all the members of the group by summing the amounts in the member's columns with the elimination adjustments.

For example, if there are seven members in the combined group, enter members one through three on pages 5, 6 and 7 of Form 6, leaving the elimination adjustment column and combined total column blank. Next, enter members four through six on pages 5, 6, and 7 of Form 6, leaving the elimination adjustments column and combined total columns blank. Finally, complete another page 5, 6, and 7 of Form 6 for the seventh and final member. Leave the other two columns blank, enter the elimination adjustments as positive and negative values, and enter the combined totals for all members of the group in the final column.

■ **Line 2a. Interest Income –** Enter interest income received on state and municipal obligations and any other interest income that is exempt from federal income tax and isn't included in federal taxable income.

Corporations subject to the Wisconsin income tax rather than the franchise tax shouldn't enter interest income on line 2a that is exempt from income tax under both Wisconsin and federal law. This includes interest on the following types of obligations:

- Public housing authority or community development authority bonds issued by municipalities located in Wisconsin
- Wisconsin Housing Finance Authority bonds
- Wisconsin municipal redevelopment authority bonds
- Wisconsin Housing and Economic Development Authority bonds issued on or after December 11, 2003, to fund multifamily affordable housing or elderly housing projects
- Wisconsin Housing and Economic Development Authority bonds issued before January 29, 1987, except

business development revenue bonds, economic development revenue bonds, and CHAP housing revenue bonds

- Public housing agency bonds issued before January 29, 1987, by agencies located outside Wisconsin where the interest therefrom qualifies for exemption from federal taxation for a reason other than or in addition to section 103 of the IRC
- Local exposition district bonds
- Wisconsin professional baseball park district bonds
- Bonds issued by the Government of Puerto Rico, Guam, the Virgin Islands or, for bonds issued after October 16, 2004, the Government of American Samoa
- Local cultural arts district bonds
- Wisconsin professional football stadium bonds
- Wisconsin Aerospace Authority bonds
- Bonds issued on or after October 27, 2007, by the Wisconsin Health and Education Facilities Authority to fund acquisition of information technology hardware or software
- Conduit revenue bonds issued under sec. 66.0304, Wis. Stats., if the bonds or notes are used to fund multifamily affordable housing projects or elderly housing projects in Wisconsin and the Wisconsin Health and Education Facilities Authority has the authority to issue the bonds. The bonds or notes are used by a health facility to fund the acquisition of information technology hardware or software in Wisconsin and the Wisconsin Health and Educational Facilities Authority has the authority to issue the bonds. Bonds or notes issued to fund a redevelopment project or housing project in Wisconsin.
- Bonds issued by the Wisconsin Housing and Economic Development Authority to provide loans to a public affairs network
- Wisconsin Health and Educational Facilities Authority Bonds if the bonds or notes are issued for the benefit of a person who is eligible to receive the proceeds from another entity for the same purpose for which the bonds or notes are issued and the interest income received from the other bonds or notes is exempt from Wisconsin taxation.

■ **Line 2b. State Taxes –** Enter taxes imposed by Wisconsin, any other state, and the District of Columbia that are value-added taxes, single business taxes, or taxes on or measured by net income, gross income, gross receipts, or capital stock and that were deducted in computing federal taxable income.

NOTE: The state taxes you add back on line 2 should include all components of the Texas Margins Tax regardless of which computation is used. However, the Ohio Commercial Activity Tax is not required to be added back since it is deductible.

■ **Line 2c. Related Entity Expenses –** A corporation must make an addition modification to "add back" expenses attributable to transactions with related parties. The expenses that must be added back include the following, if paid, accrued, or incurred to a related entity:

- Interest expenses
- Rent expenses
- Management fees
- Intangible expenses

However, if the corporation is a combined group member and pays, accrues, or incurs one of these types of expenses to another member of the same combined group, you do not need to add those expenses back if the net effect of the transaction on combined unitary income was zero (in other words, if the payer's expense and the corresponding income of the member to which the expense was paid are both included in combined unitary income so that they cancel each other out).

Corporations that are partners, members, or beneficiaries of pass-through entities must include on line 2c their share of the pass through entity's related entity expenses shown on line 21a of Schedule 3K-1 and line 14a of Schedule 2K-1, as applicable.

NOTE: If the corporation meets one of the specific conditions provided in the Wisconsin Statutes, the corporation may take a subtraction modification on Form 6, Part II, line 4b.

Definitions Applicable to Line 2c. In determining whether an addback of related entity expenses is necessary, the following definitions apply:

"Related entity" **–** A related person under one of the following sections of the Internal Revenue Code (IRC):

- Section 267(b), which defines relationships through which taxpayers would be considered "related" for purposes of the disallowance of deduction or loss on transactions between related taxpayers
- Section 1563, relating to controlled groups of corporations, which is incorporated into section 267 by reference

- Section 707(b), relating to partners of partnerships, which is also incorporated into section 267 by reference

A "related entity" also includes certain real estate in-vestment trusts (REITs) if they are not "qualified REITs." For more on qualified REITs, see *Wisconsin Tax Bulletin* #158, page 17, Questions A2 and A3.

"Interest expenses" **–** Interest that would otherwise be deductible under section 163 of the IRC and otherwise deductible in the computation of Wisconsin income.

"Rent expenses" **–** Gross amounts that would otherwise be deductible under the IRC, as modified for Wisconsin purposes, for the use of, or the right to use, real property and tangible personal property in connection with real property, including services rendered in connection with such property, regardless of how reported for financial accounting purposes and regardless of how computed.

"Management fees" **–** Expenses and costs, not including interest expenses, pertaining to accounts receivable, accounts payable, employee benefit plans, insurance, legal matters, payroll, data processing, purchasing, taxation, financial matters, securities, accounting, or reporting on compliance matters or similar activities, to the extent that the amounts would otherwise be deductible in determining net income under the IRC as modified for Wisconsin purposes.

"Intangible expenses" **–** Any of the following, to the extent the amounts would otherwise be deductible in determining net income under the IRC as modified for Wisconsin purposes:

- Expenses, losses, or costs for, related to, or directly or indirectly in connection with, the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property
- Losses related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions
- Royalty, patent, technical, and copyright fees
- Licensing fees

If a corporation purchases an amortizable intangible asset from a related entity, the amortization expenses on that asset are considered intangible expenses and should be added back.

Schedule RT Filing Requirement for Amount on Line 2c. If the amount a member reports on line 2c exceeds $100,000, the member must file Schedule RT, *Wisconsin Related Entity Expenses Disclosure Statement*, with its return. However, for combined groups using apportionment, you may multiply the member's amount on line 2c by the apportionment percentage (Form 6, page 1, line 2) for purposes of determining whether you meet the $100,000 threshold for filing Schedule RT.

■ **Line 2d. Domestic Production Activities Deduction –** Enter the amount of domestic production activities deduction (also called "section 199 deduction") included in federal taxable income.

■ **Line 2e. Expenses Related to Nontaxable Income –** Enter expenses included in federal taxable income that are directly or indirectly related to nontaxable income. Examples of expenses related to nontaxable income include taxes, interest, and administrative fees related to the production of nontaxable income.

Interest, dividends, and capital gains from the disposition of intangible assets are nontaxable if both of the following are true:

- The operations of the payer are not unitary with those of the payee, and
- The payer and payee are not related as parent company and subsidiary or affiliates and the investment activity from which the income is received is not an integral part of a unitary business.

Income may also be nontaxable under the principles of the U.S. Supreme Court decision in *Allied-Signal v. Director, Div. of Taxation*, 504 U.S. 768 (1992), if the investment is passive and does not serve an operational function.

For corporations subject to the Wisconsin income tax rather than the franchise tax, nontaxable income also includes interest on United States government obligations.

Also enter on this line any losses included in federal taxable income from disposing of assets, if gains from disposing those assets would have been non-taxable income if the assets were disposed of at a gain.

■ **Line 2f. Basis, Section 179, Depreciation Differences –**

Difference in federal and Wisconsin basis of depreciated or amortized assets:

Starting with the first taxable year beginning in 2014, adjustments are to be made over a 5-year period for the difference between the Wisconsin adjusted basis and the federal adjusted basis of assets owned on the last day of the taxable year beginning in 2013. The assets must have been depreciated or amortized for both Wisconsin and federal tax purposes. As a result of these adjustments, the Wisconsin adjusted basis and the federal adjusted basis of these assets is

deemed to be equal on the first day of the taxable year beginning in 2014.

You must first determine the difference between the Wisconsin adjusted basis and the federal adjusted basis of all assets that are being depreciated or amortized on the last day of your taxable year beginning in 2013. This would be on December 31, 2013, if you file your tax return on a calendar-year basis.

If the total federal adjusted basis of the assets is more than the total Wisconsin adjusted basis, complete the worksheet below to determine the required addition to income. As result of this addition, your Wisconsin adjusted basis of all depreciated or amortized assets on the first day of your taxable year beginning in 2014 (January 1, 2014, for calendar-year filers) will be the same as the federal adjusted basis

Note: If the total Wisconsin adjusted basis is more than total federal adjusted basis, see the instructions for Form 6, Part II, line 4i.

If the total Wisconsin adjusted basis is less than the total federal basis, complete the following worksheet to determine the amount of your addition for 2014 and each of the next 4 years.

Worksheet for Difference in Basis
(Keep for your records)

1. Combined federal adjusted basis of all depreciated and amortized assets as of the last day of the taxable year beginning in 2013……..……_____
2. Combined Wisconsin adjusted basis of all depreciated and amortized assets as of the last day of your taxable year beginning in 2013……..…_____
3. Subtract line 2 from line 1……_____
4. Multiply line 3 by .20 (20%). This is your addition to income for 2016..._____

Section 179 expenses:

For taxable years beginning on or after January 1, 2014, sections 179, 179A, 179B, 179C, 179D, and 179E of the Internal Revenue Code, related to expensing of depreciable business assets, apply for Wisconsin tax purposes. "Internal Revenue Code" means the federal Internal Revenue Code in effect for the year in which the property is placed in service.

Depreciation differences:

Enter the amount by which the federal deduction for depreciation or amortization exceeds the Wisconsin deduction. Include a schedule showing the computation details.

These differences can happen because of IRC sections not adopted for Wisconsin purposes and electing a different depreciation method under the Internal Revenue Code in effect for Wisconsin purposes.

For 2014 and beyond, bonus depreciation was reinstituted by the federal government, and an adjustment is required to account for the depreciation difference because Wisconsin has not adopted federal bonus depreciation provisions. For Wisconsin purposes, depreciation, depletion, and amortization is computed based on the Internal Revenue Code in effect on January 1, 2014, and bonus depreciation was not in effect on that date.

■ **Line 2g. Amount by Which the Federal Basis of Assets Disposed of Exceeds the Wisconsin Basis –** Enter the amount by which the federal basis of assets disposed of exceeds the Wisconsin basis. If more than one asset is disposed of, you may combine the bases of the assets so that you need only one entry on either this line. Provide a schedule showing the computation details.

For example, assume a corporation sold the following assets during the current taxable year:

	Federal Basis	Wisconsin Basis	Difference
Equipment	$1,500	$500	$1,000
Machinery	1,000	2,000	(1,000)
Building	20,000	10,000	10,000
Totals	$22,500	$12,500	$10,000

The amount to enter on line 2g would be $10,000. If the Wisconsin bases of the assets had exceeded the federal bases, an entry would be made on Form 6, Part II, line 4j, instead.

The modification may also apply in cases where a parent corporation disposes of subsidiary stock for which the basis is determined under Treas. Reg. §1.1502-32. See s. Tax 2.61(6)(f), Wisconsin Administrative Code, for details.

■ **Line 2h. Addition for Credits Computed –** Enter the total amount of credits from the list provided that each member computed on their 2016 return.

- **Line 2h-a:** Business development credit (Schedule BD)

- **Line 2h-b:** Community rehabilitation program credit (Schedule CM)
- **Line 2h-c:** Development zones credits (Schedule DC)
- **Line 2h-d:** Economic development credit (Schedule ED)
- **Line 2h-e:** Enterprise zone jobs credit (Schedule EC)
- **Line 2h-f:** Farmland preservation credit (from Schedule FC)
- **Line 2h-g:** Jobs tax credit (Schedule JT)
- **Line 2h-h:** Manufacturing investment credit (Schedule MI)
- **Line 2h-i:** Manufacturing and agriculture credit (2015 Schedule MA-A and/or MA-M)
- **Line 2h-j:** Research credits (Schedule R)
- **Line 2h-k:** Technology zone credit (Schedule TC)

■ **Line 2i. Special Additions for Insurance Companies –** If any member of the combined group is an insurance company, you must complete Form 6I to account for addition modifications that are unique to insurance companies. Enter the total from Form 6I, line 4.

■ **Line 2j. Other Additions** – Enter any other additions to federal income. Include the numerical code number in the space to the right of the roman numerals.

For example:

j Other additions:
i 01
ii
iii
iv

Additions to federal income may include:

- 01 Federal capital loss carryovers (if previously deducted for Wisconsin).
- 02 Adjustments required as a result of changes made to the Internal Revenue Code which don't apply for Wisconsin.
- 03 Adjustments required as a result of making different elections for Wisconsin and federal purposes.
- 04 Separately stated items of income and adjustments for differences between the federal and Wisconsin treatment of any items of an S corporation that opts out of Wisconsin tax-option status.
- 05 Other (include a statement detailing the source and amounts).
- 06 For 100% Wisconsin groups: Intercompany transactions (except those to which Treas. Reg. §1.1502-13 already applies) for expenses paid, accrued, or incurred by one member of the combined group to another, are disregarded so that they neither increase nor decrease a member's portion of the combined unitary income. This does not apply to intercompany transactions which occurred in taxable years beginning before January 1, 2009 or to intercompany transactions where the income, expense, gain, or loss would not otherwise be subject to combination. See Part III, line 2 for more information.
- 07 For 100% Wisconsin groups: Capital gains and losses. The net capital gain or loss, after applying any sharable net capital loss carryover, is first determined for the combined group as a whole. If the result is a net capital gain for the group, the net capital gain is assigned to the members that would have a net capital gain from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital gain. If the result is a net capital loss for the group, the net capital loss is assigned to the members that would have a net capital loss from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital loss. Then each member computes its net capital gain or loss from separate entity items. See Part III, line 2 for more information.
- 08 For 100% Wisconsin groups: Basis adjustments. A combined group member's basis in stock of a subsidiary that is a member of the same combined group is adjusted to reflect the subsidiary's distributions and items of income, gain, deduction and loss taken into account while the subsidiary was a member of the combined group. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year. See Part III, line 2 for more information.
- 09 For 100% Wisconsin groups: Earnings and profits. A combined group member's earnings and profits are adjusted to reflect the undistributed earnings and profits of a subsidiary that is a member of the same combined group. The provisions of 26 CFR 1.1502-33, and the regulations which it references, shall apply in determining earnings and profits as if the Wisconsin combined group is a federal consolidated group. Undistributed earnings and profits attributed to a subsidiary of a combined group member from any lower-tier subsidiary may not be included in the combined group member's earnings and

profits or its subsidiary's earnings and profits except to the extent the lower-tier subsidiary's earnings and profits are attributable to net income that was or would have been, included in the group's combined unitary income. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year. See Part III, line 2 for more information.

Subtractions from Income:

■ **Line 4a. Wisconsin Subtraction Modification for Dividends –** Enter the total from line 4 of Form 6Y. See the Form 6Y instructions for an explanation of dividends that are eligible for the subtraction.

■ **Line 4b. Related Entity Expenses –** If the combined group made an addition modification for related entity expenses on Form 6, Part II, line 2c, this is where you report the amount that qualifies for a deduction. Enter the amount of the expenses from Form 6, Part II, line 2c, that are deductible using the criteria described in *Conditions for Deducting Related Entity Expenses*, below.

For corporations that are partners, members, or beneficiaries of pass-through entities, also include the amount of allowable related entity expense reported on line 21b of Schedule 3K-1 and on line 14b of Schedule 2K-1, as applicable.

Conditions for Deducting Related Entity Expenses. Section 71.80(23)(a)3., Wis. Stats., provides that a related entity expense that was added back on Form 6, Part II, line 2c, qualifies for a deduction if all of the following conditions are met:

- The primary motivation for the transaction was one or more business purposes other than the avoidance or reduction of state income or franchise taxes;
- The transaction changed the economic position of the taxpayer in a meaningful way apart from tax effects; and
- The expenses were paid, accrued, or incurred using terms that reflect an arm's length relationship.

Factors that may indicate that the expense does not qualify for a deduction include the following:

- There was no actual transfer of funds from the taxpayer to the related entity, or the funds were substantially returned to the taxpayer, either directly or indirectly.
- If the transaction was entered on the advice of a tax advisor, the advisor's fee was determined by reference to the tax savings.
- The related entity does not regularly engage in similar transactions with unrelated parties on terms substantially similar to those of the subject transaction.
- The transaction was not entered into at terms comparable to arm's length as determined by Treas. Reg. 1.482-1(b).
- There was no realistic expectation of profit from the transaction apart from the tax benefits.
- The transaction resulted in improper matching of income and expenses.
- An expense for the transaction was accrued under FIN 48.

The statutes (sec. 71.80(23)(a)1. and 2., Wis. Stats.) provide some additional conditions under which a related entity expense may qualify for a deduction, subject to some important exceptions. Those conditions are:

- If the expense was paid to a related entity that is merely acting as a conduit between the taxpayer and an unrelated entity, or
- If the related entity was subject to a tax measured by net income or receipts and the net income or receipts of the transaction were included in its tax base.

More Information on Related Entity Expenses. For more information on the deductibility of related entity expenses, see the Schedule RT instructions. Even if you weren't required to file Schedule RT for the expenses you added back on Form 6, Part II, line 2c, the instructions to Schedule RT provide helpful information regarding deductibility of related entity expenses.

■ **Line 4c. Income from Related Entities Whose Expenses Were Disallowed –** If any corporation in the combined group has income from a related entity which paid, accrued, or incurred expenses to the corporation, and that related entity could not deduct those expenses according to the instructions for line 4b, the corporation may subtract the corresponding income from its taxable income.

In order to claim a subtraction on line 4c, the corporation must obtain Schedule RT-1 from the related entity and submit Schedule RT-1 with Form 6. See the Schedule RT-1 instructions for further details.

■ **Line 4d. Subpart F Income –** Enter the amount of Subpart F income that is included in the amount on Form 6, page 1, line 1. This may be the sum of the amounts from Form 1120, Schedule C, line 14 for more than one company.

■ **Line 4e. Foreign Dividend Gross-Up –** Enter the amount of foreign dividend gross-up income that is included in the amount on Form 6, page 1, line 1. This may be the sum of the amounts from Form 1120, Schedule C, line 15 for more than one company.

■ **Line 4f. Nontaxable Income –** Enter nontaxable income included in computing federal taxable income. Include a schedule with your return showing the payers and amounts of nontaxable income and explaining why that income isn't taxable.

Interest, dividends, and capital gains from the disposition of intangible assets are nontaxable if both of the following are true:

- The operations of the payer are not unitary with those of the payee, and
- The payer and payee are not related as parent company and subsidiary or affiliates and the investment activity from which the income is received is not an integral part of a unitary business.

Income may also be nontaxable under the principles of the U.S. Supreme Court decision in *Allied-Signal v. Director, Div. of Taxation*, 504 U.S. 768 (1992), if the investment is passive and does not serve an operational function.

For corporations subject to the Wisconsin income tax rather than the franchise tax, nontaxable income also includes interest on United States government obligations.

CAUTION: Expenses related to nontaxable income aren't deductible and must be added to federal taxable income on Form 6, Part II, line 2e.

■ **Line 4g. Foreign Taxes –** Enter foreign taxes paid or accrued during the year that aren't deducted in computing federal taxable income and aren't included on Form 6, Part II, line 4e.

■ **Line 4h. Cost Depletion –** For taxable years beginning on or after January 1, 2014, Wisconsin allows percentage depletion, so an adjustment is generally not required.

■ **Line 4i. Basis, Section 179, Depreciation Difference, Amortization of Assets –**

Difference in federal and Wisconsin basis of depreciated or amortized assets:

Starting with the first taxable year beginning in 2014, adjustments are to be made over a 5-year period for the difference between the Wisconsin adjusted basis and the federal adjusted basis of assets owned on the last day of the taxable year beginning in 2013. The assets must have been depreciated or amortized for both Wisconsin and federal tax purposes. As a result of these adjustments, the Wisconsin adjusted basis and the federal adjusted basis of these assets is deemed to be equal on the first day of the taxable year beginning in 2014.

You must first determine the difference between the Wisconsin adjusted basis and the federal adjusted basis of all assets that are being depreciated or amortized on the last day of your taxable year beginning in 2013. This would be on December 31, 2013, if you file your tax return on a calendar-year basis.

If the total federal adjusted basis of the assets is less than the total Wisconsin adjusted basis, a subtraction must be claimed to adjust for this difference. As result of this subtraction, your Wisconsin adjusted basis of all depreciated or amortized assets on the first day of your taxable year beginning in 2014 (January 1, 2014, for calendar-year filers) will be the same as the federal adjusted basis.

Note: If the total Wisconsin adjusted basis is less than total federal adjusted basis, see the instructions for Form 6, Part II, line 2f.

Worksheet for Difference in Basis
(Keep for your records)

1. Combined Wisconsin adjusted basis of all depreciated and amortized assets as of the last day of the taxable year beginning in 2013……..._____
2. Combined federal adjusted basis of all depreciated and amortized assets as of the last day of your taxable year beginning in 2013……..…_____
3. Subtract line 2 from line 1……..…_____
4. Multiply line 3 by .20 (20%). This is your subtraction for 2016……..…_____

Enter the amount by which the Wisconsin deduction for depreciation or amortization exceeds the federal deduction for depreciation or amortization. Include a schedule showing the computation details.

These differences can happen because of IRC sections not adopted for Wisconsin purposes and electing a different depreciation method under the Internal Revenue Code in effect for Wisconsin purposes.

■ **Line 4j. Amount by Which the Wisconsin Basis of Assets Disposed of Exceeds the Federal Basis -** Enter the amount by which the Wisconsin basis of assets disposed of exceeds the federal basis. See the instructions for Form 6,

Part II, line 2g, for an example. Provide a schedule showing the computation details.

■ **Line 4k. Federal Work Opportunity Credit Wages –** Enter wages that aren't deductible in computing federal income because they are being used in computing the federal work opportunity tax credit.

■ **Line 4l. Federal Research Credit Expenses –** Enter research expenses that aren't deductible in computing federal income because they are being used in computing the federal credit for increasing research activities.

■ **Line 4m. Other Subtractions** – Enter any other subtractions to federal income. Include the numerical code number in the space to the right of the roman numerals.

For example:

l Other subtractions:
i 01
ii
iii
iv

Subtractions from federal income may include:

- 01 Adjustments required as a result of changes made to the Internal Revenue Code which don't apply for Wisconsin.
- 02 Adjustments required as a result of making different elections for Wisconsin and federal purposes.
- 03 Separately stated items of expense and adjustments for differences between the federal and Wisconsin treatment of any items of an S corporation that opts out of Wisconsin tax-option status.
- 04 For credit unions, an adjustment to remove income from non-public deposits from Wisconsin income as described in the instructions to Schedule CU-1.
- 05 Other (include a statement detailing the source and amounts).
- 06 For 100% Wisconsin groups: Intercompany transactions (except those to which Treas. Reg. §1.1502-13 already applies) for expenses paid, accrued, or incurred by one member of the combined group to another, are disregarded so that they neither increase nor decrease a member's portion of the combined unitary income. This does not apply to intercompany transactions which occurred in taxable years beginning before January 1, 2009 or to intercompany transactions where the income, expense, gain, or loss would not otherwise be subject to combination. See Part III, line 2 for more information.
- 07 For 100% Wisconsin groups: Capital gains and losses. The net capital gain or loss, after applying any sharable net capital loss carryover, is first determined for the combined group as a whole. If the result is a net capital gain for the group, the net capital gain is assigned to the members that would have a net capital gain from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital gain. If the result is a net capital loss for the group, the net capital loss is assigned to the members that would have a net capital loss from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital loss. Then each member computes its net capital gain or loss from separate entity items. See Part III, line 2 for more information.
- 08 For 100% Wisconsin groups: Basis adjustments. A combined group member's basis in stock of a subsidiary that is a member of the same combined group is adjusted to reflect the subsidiary's distributions and items of income, gain, deduction and loss taken into account while the subsidiary was a member of the combined group. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year. See Part III, line 2 for more information.
- 09 For 100% Wisconsin groups: Earnings and profits. A combined group member's earnings and profits are adjusted to reflect the undistributed earnings and profits of a subsidiary that is a member of the same combined group. The provisions of 26 CFR 1.1502-33, and the regulations which it references, shall apply in determining earnings and profits as if the Wisconsin combined group is a federal consolidated group. Undistributed earnings and profits attributed to a subsidiary of a combined group member from any lower-tier subsidiary may not be included in the combined group member's earnings and profits or its subsidiary's earnings and profits except to the extent the lower-tier subsidiary's earnings and profits are attributable to net income that was or would have been, included in the group's combined unitary income. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year. See Part III, line 2 for more information.

- 10 The amount of net income of an out-of-state business from performing disaster relief work. See Publication 411 – *Disaster Relief*, for more information

■ **Line 4n. Nontaxable Income from Life Insurance Operations –** If any corporation in the combined group is an insurance company that has both life insurance operations and non-life insurance operations, enter the amount of nontaxable income from life insurance operations as computed on Schedule 6I, line 13. See the Schedule 6I instructions for details.

■ **Line 6. Total Nonapportionable and Separately Apportioned Income –** Complete this line only if any member of the group has nonapportionable income, items accounted for using separate accounting, or other income or loss that cannot be included in combined unitary income. For example, this line may apply in cases where a combined group member has income from the unitary business that is excluded from combined unitary income under the water's edge rules.

If any member of the group has income or loss reportable on line 6 (often called income or loss from "separate entity items"), prepare Form N for each applicable member and enter the total from line 8 of all Forms N.

The total on line 6 represents taxable income that is excluded from the group's combined unitary income. If any of this amount is allocable or separately apportionable to Wisconsin, you will enter the Wisconsin amount later on Form 6, Part III, line 4. See the instructions to Form N for details.

■ **Line 7a: Elimination adjustment for 100% Wisconsin Group Members** - Complete this line only for members of 100% Wisconsin combined groups (if 100% apportionment is entered on Form 6, page 1, line 2). Enter each member's elimination adjustment in their respective column. If a member does not have elimination adjustments, leave the line blank.

■ **Line 7b: Pre-apportioned income after elimination adjustments** - Complete this line only for members of 100% Wisconsin combined groups (if 100% apportionment is entered on Form 6, page 1, line 2). Subtract line 7a from line 7 for each member's column and enter the result here and on Form 6, Part III, line 2. If a member did not have an elimination adjustment on line 7a, enter the amount from line 7 on line 7b, and enter the amount from line 7b on Form 6, Part III, line 2.

Part III: Member's Share of Form 6 Items

Enter the corporation's name and federal employer identification number. For paper filers, enter as much of the corporation's name that will fit in the space provided. The full corporation name will be entered on Part VI of Form 6. **Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.**

Enter the information for each member in a separate column. If there are more than three members, use additional pages 8 and 9 of Form 6. Once all members have been entered compute the combined total column for all the members of the group.

For example, if there are seven members in the combined group, enter members one through three on pages 8 and 9 of Form 6, leaving the combined total column blank. Next, enter members four through six on pages 8 and 9 of Form 6, leaving the combined total column blank. Finally, complete another page 8 and 9 of Form 6 for the seventh and final member. Leave the other two columns blank, and enter the combined total for all members of the group in the final column.

■ **Line 1a. Apportionment Numerator –** Enter the amount from Form A-1, line 16a or Form A-2, Part II, line 10. 100% Wisconsin groups should leave this line blank.

■ **Line 1b. Apportionment Denominator –** Enter the amount from Form A-1, line 16b or Form A-2, Part II, line 8. 100% Wisconsin groups should leave this line blank.

■ **Line 1c. Total Combined Apportionment Total** –Enter the combined total from line 1b for all combined group members and enter it on the line for each group member. 100% Wisconsin groups should leave this line blank.

■ **Line 1d. Apportionment Percentage** – For each combined group member, divide the amount on line 1a by the amount on line 1c. 100% Wisconsin groups should leave this line blank.

If any member determines their apportionment using specialized apportionment factors on Form A-2, check the box below the percentage amount for that member's column.

■ **Line 2. Members Share of Combined Unitary Income**

For Non-100% Wisconsin Groups:

For each member, multiply the amount on the combined total line from Form 6, Part II, line 8 by the member's amount on line 1d.

For 100% Wisconsin Groups:

For combined groups that are engaged in business solely in Wisconsin, and therefore not eligible to use apportionment, each member's net income subject to combination is determined on a separate entity basis and then adjusted to reflect the member's status as a combined group member. These incomes are added together to arrive at the combined unitary income. Therefore, if some combined group members have net income from the unitary business and others in the same group have net loss from the unitary business, the combined group's tax liability is based on the total aggregate net income or loss of the unitary business.

Do not multiply Part II, line 8 by Part III, line 1d. Since a 100% Wisconsin group does not use apportionment, the amount on each member's line 2 should equal the member's amount from Part II, line 7b; however, the corporation must make the adjustments prescribed in s. Tax 2.61(8), Wisconsin Administrative Code, to reflect the corporation's status as a combined group member. To make those adjustments, complete Part II lines 2j and/or 4m as appropriate. See the instructions for Part II lines 2j and 4m for further information.

The following adjustments are required under s. Tax 2.61(8), Wisconsin Administrative Code:

- **Intercompany transactions** (except those to which Treas. Reg. §1.1502-13 already applies) for expenses paid, accrued, or incurred by one member of the combined group to another, are disregarded so that they neither increase nor decrease a member's portion of the combined unitary income. This does not apply to intercompany transactions which occurred in taxable years beginning before January 1, 2009 or to intercompany transactions where the income, expense, gain, or loss would not otherwise be subject to combination.

- **Capital gains and losses.** The net capital gain or loss, after applying any sharable net capital loss carryover, is first determined for the combined group as a whole. If the result is a net capital gain for the group, the net capital gain is assigned to the members that would have a net capital gain from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital gain.

  If the result is a net capital loss for the group, the net capital loss is assigned to the members that would have a net capital loss from the unitary business if they were not members of the combined group, in proportion to the amount of that net capital loss. Then each member computes its net capital gain or loss from separate entity items.

- **Basis adjustments**. A combined group member's basis in stock of a subsidiary that is a member of the same combined group is adjusted to reflect the subsidiary's distributions and items of income, gain, deduction and loss taken into account while the subsidiary was a member of the combined group. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year.

- **Earnings and profits.** A combined group member's earnings and profits are adjusted to reflect the undistributed earnings and profits of a subsidiary that is a member of the same combined group. The provisions of 26 CFR 1.1502-33, and the regulations which it references, shall apply in determining earnings and profits as if the Wisconsin combined group is a federal consolidated group. Undistributed earnings and profits attributed to a subsidiary of a combined group member from any lower-tier subsidiary may not be included in the combined group member's earnings and profits or its subsidiary's earnings and profits except to the extent the lower-tier subsidiary's earnings and profits are attributable to net income that was or would have been, included in the group's combined unitary income. Intercompany interest and other expenses are included in these adjustments, even if those transactions were disregarded in the computation of the member's income for the taxable year.

After making the adjustments above, if there are some members with net income from the unitary business and others with net losses from the unitary business, do not make any adjustments on line 2 to offset the losses against the incomes. Those adjustments will be accounted for on line 3.

■ **Line 3. Adjustment for Current Year Loss Offset** – Complete this line if the combined group is a 100% Wisconsin group and there are some members with net income from the unitary business and others with net loss from the unitary business, as computed on line 2.

NOTE: Skip line 3 if all members have a positive amount on line 2 or if all members have a negative amount on line 2.

A member's positive amount (income) on Line 2 must be offset by other members' negative amounts (losses) on Line 2. Line 3 is used to account for these offsets for purposes of computing the member's gross tax and accounting for net business losses.

The computation of the amount on line 3 depends on whether the combined unitary income reported on Form 6, Part II, line 8 is a positive amount (income) or a negative amount (loss).

If combined unitary income is positive, compute the total of the members' negative amounts reported on line 2, and allocate that total to the members with positive amounts on line 2 in proportion to those positive amounts. If combined unitary income is negative, compute the total of the members' positive amounts reported on line 2, and allocate that total to the members with negative amounts on line 2 in proportion to those negative amounts.

If you are computing offset amounts, you must use the allocation method described above. On line 3, you will report the adjustments to each member's amount on line 2 as necessary to reflect the offset.

The following examples illustrate how to determine the adjustment amounts to enter on line 3:

Example 1: Combined Group ABCD consists of Member A, Member B, Member C, and Member D. The members' amounts on line 2 are as follows:

	A	B	C	D
Line 2:	10,000	30,000	-15,000	-10,000

As a whole, Group ABCD has combined unitary income of $15,000 (= $10,000 + $30,000 - $15,000 - $10,000), which is reported on Form 6, Part II, line 8. This amount consists of a total of $40,000 of income from Members A and B and a total of -$25,000 of loss from Members C and D. The loss amount from Members C and D is allocated to Members A and B on a pro rata basis in proportion to their income amounts on line 2. Thus, the amount of loss allocated to Member A is -$6,250 (= $10,000/$40,000 x -$25,000) and the amount allocated to Member B is -$18,750 (= $30,000/$40,000 x -$25,000)

Therefore, the amounts reported by each member on Form 6, Part III, lines 2 and 3 are as follows:

	A	B	C	D
Line 2:	10,000	30,000	-15,000	-10,000
Line 3:	-6,250	-18,750	15,000	10,000
	$3,750	$11,250	$0	$0

Note that after the allocation, C and D have $0 of the combined unitary income and A and B have the entire $15,000 the group's combined unitary income.

Example 2: Assume the same facts as Example 1, except that Member A reports $15,000 on line 2 and Member B reports $5,000 on line 2, so the amounts are as follows:

	A	B	C	D
Line 2:	15,000	5,000	-15,000	-10,000

As a whole, Group ABCD has combined unitary income (loss) of -$5,000 (= $15,000 + $5,000 - $15,000 - $10,000), which is reported on Form 6, Part II, line 8. This amount consists of a total of $20,000 of income from Members A and B and a total of -$25,000 of loss from Members C and D. The income amount from Members A and B is allocated to Members C and D on a pro rata basis in proportion to their loss amounts on line 2. Thus, the amount of income allocated to Member C is $12,000 (= -$15,000/-$25,000 x $20,000) and the amount allocated to Member D is $8,000 (= -$10,000/-$25,000 x $20,000).

Therefore, the amounts reported by each member on lines 2 and 3 are as follows:

	A	B	C	D
Line 2:	15,000	5,000	-15,000	-10,000
Line 3:	-15,000	-5,000	12,000	8,000
	$0	$0	$-3,000	$-2,000

Note that after the allocation, A and B have $0 of the combined unitary loss and C and D -$5,000 of the group's combined unitary loss.

For combined groups that are not 100% Wisconsin groups and use the apportionment method to compute income, if a member has a negative apportionment factor which results in negative apportionable income on line 2, the member is required to enter the amount from line 2 on line 3 as a positive value to offset the negative value on line 2.

For combined groups that are not 100% Wisconsin groups and use the apportionment method to compute income, if the numerator of a member's modified sales factor is a positive number and the denominator is a negative number or zero, all of the combined unitary income shall be apportioned to the member. The member's separate company denominator has no effect on this determination. If this subdivision would result in apportioning all of the combined unitary income to more than one member, the combined unitary income shall be apportioned to the members having positive modified sales factor numerators in proportion to the amounts of their numerators.

Example: Combined Group XY consists of Member X and Member Y. In its taxable year 2009, Group XY has combined unitary income of $50,000. X and Y have the following apportionment factors:

	Member X	Member Y
Modified Sales Factor Numerator	$5,000	$15,000
Separate Company Denominator	($10,000)	$5,000

The modified sales factor denominator, or sum of the separate company denominators, is ($5,000). The amount of combined unitary income that would be apportioned to X is $12,500 (= $50,000 x ($5,000 / $20,000)). The combined unitary income that would be apportioned to Y is $37,500 (= $50,000 x ($15,000 / $20,000)).

■ **Line 4. Wisconsin Net Nonapportionable and Separately Apportioned Income –** If the corporation has net income or loss that it could not include in combined unitary income, complete Form N to determine the Wisconsin amount (if any) of that income. On line 4, enter the amount from Form N, line 14.

■ **Line 5. Net Capital Loss Adjustment –** If the combined group reported a net capital gain on Form 6, Part I, line 30, and the corporation has non-sharable capital loss carryovers or a current year net capital loss from Form N, complete

Form 6CL to determine the amount of additional capital loss allowable to the corporation. On line 5, enter the amount from the corporation's Form 6CL, Part I, line 9e. See the Form 6CL instructions for details.

■ **Line 6. Loss Adjustment for Insurance Companies –** If the corporation is an insurance company and the sum of lines 2 through 4 minus line 5 is a negative amount, you may need to reduce the loss amount by the dividends received deduction. See the Form 6I instructions for details. If the corporation has an amount on Form 6I, line 24, enter that amount on line 6.

■ **Line 7. Net Business Loss Carryforward –** If the sum of lines 2 through 4 minus line 5 is a positive amount and the corporation has a net business loss carryforward, see the instructions for Form 6, Part IV. Enter the amount from Form 6, Part IV, line 18

■ **Line 8. Wisconsin Net Income**:

	Line 2: Members share of combined income
+	Line 3: Adjustment for current year loss offset
+	Line 4: Nonapportionable and separately apportioned
-	Line 5: Net capital loss adjustment
+	Line 6: Loss adjustment for insurance companies
-	Line 7: Net business loss carryforward
	Wisconsin Net Income

■ **Line 9. Gross Tax** – For corporations other than insurance companies, the gross tax on line 9 is computed as follows:

	Share of combined unitary income (= line 2 + 3)
+	Income from separate entity items (line 4)
-	Net capital loss adjustment (line 5)
-	Net business loss carryforward (line 7)
	Wisconsin net income
x	7.9% (0.079)
=	Gross tax (line 9) (Cannot be less than zero)

Line 9 Computation for Insurance Companies. For insurance companies, the gross tax on line 9 is generally the lesser of the amount computed for regular corporations, as shown above, or 2% of its gross premiums. An insurance company completes Form 6I, Part IV to determine its gross tax. For an insurance company, the amount to enter on Form 6, Part III, line 9 is the lesser of the amounts on Form 6I, line 26 or line 29.

■ **Line 10. Nonrefundable Credits** – If the corporation has nonrefundable credits to use against its gross tax, or research credits eligible to be shared with the other combined group members, see the instructions for Form 6, Part V. Enter the amount from Form 6, Part V, line 5.

■ **Line 11. Economic Development Surcharge –** The economic development surcharge is computed separately for each member based on each member's activities reported on Form 6, Part III. If one member of the combined group has nexus with Wisconsin, all members of the combined group are considered to have nexus with Wisconsin for purposes of the economic development surcharge. However, only members that have "gross receipts from all activities" of $4 million or more during the taxable year are subject to the economic development surcharge.

Gross Receipts for Purposes of Economic Development Surcharge. For purposes of the gross receipts threshold, "gross receipts from all activities" means gross receipts, gross sales, gross dividends, gross interest income, gross rents, gross royalties, the gross sales price from the disposition of capital assets and business assets, gross receipts passed through from other entities, and all other receipts that are included in gross income for Wisconsin franchise or income tax purposes.

The gross receipts you use for purposes of applying the $4 million threshold are the same gross receipts you will report later on Form 6, Part VI, line 6. The taxable year you use to determine this amount is the period included in the combined return, as identified on Form 6, Part VI, line 2.

Computation of Surcharge. If the corporation's gross receipts from all activities on line 11a are $4 million or more, multiply the gross tax on line 11b by 3% and enter the result on line 11c, except if the result is less than $25, enter $25, and if the result is greater than $9,800, enter $9,800.

If the corporation is simultaneously included in more than one return (for example, if the corporation is a member of another combined group), the economic development surcharge can apply only once for the corporation's entire gross tax for its taxable year.

For more information about the economic development surcharge, refer to Publication 400, *Wisconsin's Economic Development Surcharge*, which is available on the Department's web site at revenue.wi.gov/html/taxpubs.html. Also, for additional information and examples relating to the economic development surcharge for combined group members, see s. Tax 2.82(5) and (6), Wisconsin Administrative Code.

■ **Line 12. Wisconsin Tax Withheld –** Enter the corporation's Wisconsin tax withheld from pass-through entities, as reported on Wisconsin Schedules 3K-1 or 2K-1. You must include a copy of the Schedule 3K-1 or 2K-1 with the combined return. Also enter the amount of Wisconsin tax withheld from lottery prizes.

In addition, enter the federal employer identification number of each company that provided you this withholding on the line provided.

If this is an amended return, enter the Wisconsin tax withheld reported on the original Form 6, unless the amount you originally reported was incorrect.

■ **Line 13. Refundable Credits –** This is where you report each member's refundable credits. In the space next to the line, enter the 2-digit code corresponding to each refundable credit from the table below, and the amount of credit for each code you listed.

Most credits must be computed on a department-prescribed schedule. The table indicates the schedule that must be used by each member to compute the credit and the line number of that schedule that shows the total available credit. You must submit the applicable credit schedule(s) with the combined return.

Codes for Refundable Credits

Credit	Code	Schedule	Line
Business development credit	62	BD	3
Enterprise zone jobs credit	52	EC	3
Farmland preservation credit	53	FC	18
Farmland preservation credit	61	FC-A	13
Jobs tax credit	60	JT	5

Any refundable credits in excess of the combined group's tax liability will be refunded to the designated agent.

NOTE: Combined groups are not required to file Schedule CR to summarize their credits. The credit codes on Form 6, Part III, line 13 replace Schedule CR.

For information on how to qualify for credits, see Publication 123, *Business Tax Incentives (*available on the Department of Revenue's web site at revenue.wi.gov/html/taxpubs.html). The instructions to each credit schedule may also provide helpful information. You may find these schedules and their instructions on the Department's web site at revenue.wi.gov/html/formpub.html.

Part IV: Wisconsin Net Business Loss Carryforward

Enter the corporation's name and federal employer identification number. For paper filers, enter as much of the corporation's name that will fit in the space provided. The full corporation name will be entered on Part VI of Form 6.

Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.

Enter the information for each member in a separate column. If there are more than three members, use additional pages 9 and 10 of Form 6. Once all members have been entered, compute one combined total column for all the members of the group.

For example, if there are seven members in the combined group, enter members one through three on pages 9 and 10 of Form 6, leaving the combined total column blank. Next, enter members four through six on pages 9 and 10 of Form 6, leaving the combined total columns blank. Finally, complete another page 9 and 10 of Form 6 for the seventh and final member. Leave the other two columns blank, and enter the combined totals for all members of the group in the final column.

If the corporation will be using any net business loss carryforwards in this return, you **must** complete Form 6, Part IV to ensure that non-sharable loss carryforwards and sharable loss carryforwards are calculated correctly.

Combined group members must use business loss carryforwards in a specific order. A combined group member shall apply net business loss (NBL) carryforwards in the order that the underlying NBL was incurred and in the following order:

1. For 100% Wisconsin combined groups only: sharing of current year unitary losses;
2. Its own pre-2009 NBL carryforward to offset its own Wisconsin net income from separate entity items;
3. Its own pre-2009 NBL carryforward to offset its share of the Wisconsin combined group's Wisconsin income;
4. Its own post-2008 sharable NBL carryforward to offset its share of the Wisconsin combined group's Wisconsin income;
5. Its share of post-2008 sharable NBL carryforward from other combined group members to offset its share of the Wisconsin combined group's Wisconsin income;
6. Its share of sharable pre-2009 NBL carryforward from other combined group members up to the allowable 5% amount to offset its share of the Wisconsin combined group's Wisconsin income.

See the common question, "Net Business Losses for Combined Groups" available at revenue.wi.gov/faqs/ise/combrptd.html for further information.

■ **Line 1. Member's Portion of Combined Unitary Income** – Enter the amounts from Form 6, Part III, line 2 plus line 3.

■ **Line 2. Member's Net Nonapportionable Income** – Enter the amount from Form 6, Part III, line 4.

■ **Line 4. Member's Capital Loss Adjustment** – Enter the amount from Form 6, Part III, line 5 as a positive number.

■ **Line 6. Available Non-sharable Net Business Loss Carryforward –** In general, you should enter the amount from Form 6BL, line 30, column (i). However, if you choose to use less than the total allowable amount of non-sharable net business loss carryforward, **enter the amount that you will use. For example, the member may choose to use less nonsharable net business loss carryforward on line 6 so that the member can use a credit that may be expiring.** See the Tax Releases in *Wisconsin Tax Bulletin* issues 138 (April 2004) and 139 (July 2004) for more details on using carryforwards of net business losses and credits. You may access the *Wisconsin Tax Bulletin* on the Department's web site at revenue.wi.gov/ise/wtb/index.html.

■ **Line 7. Nonsharable Net Business Loss Carryforward Used –** This amount represents the nonsharable net business loss carryforward that you have chosen for offsetting your own income.

■ **Line 9. Available Sharable Net Business Loss Carryforward –** In general, you should enter the amount from Form 6BL, line 30, columns (j) and (k). However, if you choose to use less than the total allowable amount of sharable net business loss carryforward, enter the amount that you will use.

■ **Line 10. Sharable Net Business Loss Carryforward Used –** This is the amount of sharable net business loss carryforward used to offset your own income. This does not include any amounts that are being shared with other combined group members. The amount of sharable net business loss carryforward being shared with other combined group members is reported on line 13.

■ **Line 11. Remaining Sharable Net Business Loss Carryforward –** This is the amount of sharable net business loss carryforward eligible to be shared with other members of the combined group to offset their remaining current year combined unitary income. The remaining sharable net business loss carryforward amounts for each combined group member shall be aggregated in order to calculate lines 13 and 14 of Form 6, Part IV. A combined group member may elect not to share any of its remaining sharable net business loss carryforward with the other members of the combined group.

■ **Line 12. Remaining Income –** This is the amount of your remaining income that has not been offset by your non-sharable net business loss carryforward or your sharable net business loss carryforward. The remaining income amounts for each combined group member shall be aggregated in order to calculate lines 13 and 14 of Form 6, Part IV.

Net business loss carryforwards may not be shared with any combined group member whose remaining income on line 12 is zero or less.

■ **Line 13. Shareable Net Business Loss Carryforward Amount Being Shared With Other Members—** Enter the amount of the shareable net business loss that you are sharing with other combined group members. See the examples for the calculation. The sum of all member's line 13 amounts should equal the sum of all member's line 14 amounts.

The combined group member's Form 6BL, columns (f), (g), and (h) should include the amount that you are sharing with other combined group members since this amount of shareable net business loss is being used up.

■ **Line 14. Shareable Net Business Loss Carryforward Amount Being Shared With This Member –** Enter the amount of the shareable net business loss that is being shared with this combined group member. See the examples for the calculation. The sum of all member's line 13 amounts should equal the sum of all member's line 14 amounts.

The following examples illustrate how to determine the shareable net business loss carryforward amounts being shared with other members of the combined group:

Example 1: Combined Group ABCD consists of Member A, Member B, Member C, and Member D. The combined group members' remaining shareable net business loss carryforward amounts and remaining income amounts for 2016 are as follows:

Form 6, Part IV	A	B	C	D
Line 11	24,000	16,000	0	0
Line 12	0	0	20,000	5,000

Member A and Member B have no remaining income and have offset all of their own income with their own non-shareable and shareable net business loss carryforward amounts. Member C and Member D still have remaining income after using their own non-shareable and shareable net business loss carryforward amounts.

The amount of shareable net business loss carryforwards being shared between the combined group members are as follows:

Form 6 Part IV	A	B	C	D
Line 13	15,000	10,000		
Line 14			20,000	5,000

Line 13 calculation: Member A calculates $15,000 for line 13 (($24,000/$40,000) x $25,000 aggregate remaining income amount) and Member B calculates $10,000 for line 13

(($16,000/$40,000) x $25,000 aggregate remaining income amount).

The shareable net business loss carryforward amounts being shared with other combined group members must be calculated on a prorated basis. The prorated basis is your own remaining shareable net business loss amount divided by the aggregate remaining shareable net business loss amount. This amount is then multiplied by the **lesser** of the aggregate shareable net business loss carryforward amount **or** the aggregate remaining income amount.

After the aggregate shareable net business loss is shared with the other combined group members, the remaining aggregate shareable net business loss is $15,000 ($40,000 - $25,000). The remaining shareable net business loss amounts remain an attribute of the corporation that originally incurred the loss. At the end of 2016, Member A would have a $9,000 ($24,000 - $15,000) shareable net business loss carryforward and Member B would have a $6,000 ($16,000 - $10,000) shareable net business loss carryforward.

Line 14 calculation: Member C calculates $20,000 for line 14 (($20,000/$25,000) x $25,000 aggregate remaining income amount) and Member D calculates $5,000 for line 14 (($5,000/$25,000) x $25,000 aggregate remaining income amount).

The amount of shareable net business loss carryforward being used by each member must be calculated on a prorated basis. The prorated basis is your own remaining income amount divided by the aggregate remaining income amount. This amount is then multiplied by the **lesser** of the aggregate shareable net business loss carryforward amount **or** the aggregate remaining income amount.

Since Member C and Member D only have $25,000 of aggregate remaining income and $40,000 of aggregate remaining shareable net business loss carryforward is available, all of the income of Member C and Member D has been offset.

Example 2: Combined Group ABCD consists of Member A, Member B, Member C, and Member D. The combined group members' remaining shareable net business loss carryforward amounts and remaining income amounts for 2016 are as follows:

Form 6 Part IV	**A**	**B**	**C**	**D**
Line 11	24,000	16,000	0	0
Line 12	0	0	27,000	20,000

Member A and Member B have no remaining income and have offset all of their own income with their own non-shareable and shareable net business loss carryforward amounts. Member C and Member D still have remaining income after using their own non-shareable and shareable net business loss carryforward amounts.

The amount of shareable net business loss carryforwards being shared between the combined group members are as follows:

Form 6 Part IV	**A**	**B**	**C**	**D**
Line 13	24,000	16,000		
Line 14			22,979	17,021

Line 13 calculation: Member A calculates $24,000 for line 13 (($24,000/$40,000) x $40,000 aggregate shareable net business loss amount) and Member B calculates $16,000 for line 13 (($16,000/$40,000) x $40,000 aggregate shareable net business loss amount).

The shareable net business loss carryforward amounts being shared with other combined group members must be calculated on a prorated basis. The prorated basis is your own remaining shareable net business loss amount divided by the aggregate remaining shareable net business loss amount. This amount is then multiplied by the **lesser** of the aggregate shareable net business loss carryforward amount **or** the aggregate remaining income amount.

After the aggregate shareable net business loss is shared with the other combined group members, the remaining aggregate shareable net business loss is $0 ($40,000 - $40,000). The remaining shareable net business loss amounts remain an attribute of the corporation that originally incurred the loss. At the end of 2016, Member A would have $0 ($24,000 - $24,000) and Member B would have $0 ($16,000 - $16,000) shareable net business loss carryforwards.

Line 14 calculation: Member C calculates $22,979 for line 14 (($27,000/$47,000) x $40,000 aggregate shareable net business loss amount) and Member D calculates $17,021 for line 14 (($20,000/$47,000) x $40,000 aggregate shareable net business loss amount).

The amount of shareable net business loss carryforward being used by each member must be calculated on a prorated basis. The prorated basis is your own remaining income amount divided by the aggregate remaining income amount. This amount is then multiplied by the **lesser** of the aggregate shareable net business loss carryforward amount **or** the aggregate remaining income amount.

For tax year 2016, Member C would have taxable income of $4,021 ($27,000 - $22,979) and Member D would have taxable income of $2,979 ($20,000 - $17,021).

■ **Line 15. Remaining Income –**This is the amount of your remaining income that has not been offset by your nonshareable net business loss carryforward, your shareable net business loss carryforward, or shareable net business loss carryforwards from other members. The remaining income amounts for each combined group member shall be aggregated in order to calculate lines 16 and 17.

■ **Line 16. Pre-2009 Net Business Loss Carryforward Amount Being Shared With Other Members –** If a combined group member has unused net business loss carryforwards incurred in taxable years beginning before January 1, 2009, the pre-2009 net business loss carryforwards not used by the member prior to the taxable year beginning on or after January 1, 2012, it may be shared up to five percent per year with other combined group members in taxable years beginning on or after January 1, 2012, and before January 1, 2032.

A pre-2009 net business loss carryforward is a corporation's total net business loss carryforward as of the beginning of its first taxable year that begins after December 31, 2008, and that has not been used by the corporation in any taxable year beginning before January 1, 2012.

Note: The determination of a member's pre-2009 net business loss carryforward is a one-time calculation that was performed during the 2012 taxable year. You will use the member's pre-2009 net business loss carryforward determined in Step 1 on page 9 of the 2012 Form 4M instructions, when computing the table below.

Step 1: Determine the maximum amount in each year for this member that can be converted from nonshareable to shareable and be shared with other members in that taxable year.

Line A	Enter the amount from line F from page 9 of the 2012 Form 4M instructions.	A. _____
Line B	Maximum percentage allowed to be shared per taxable year (5%)	B. 0.05
Line C	Multiply line A by line B. Round to the dollar.	C. _____
Line D	Enter the taxable year's beginning date from Form 6, page 1.	D. _____
Line E	Enter the taxable year's ending date from Form 6, page 1.	E. _____
Line F	Number of days between dates on lines D and E. Do not enter more than 365 days. For example, the number of days between February 14 and February 19 is 5 days.	F. _____
Line G	Tentative maximum amounts that this member may share with other Members for this taxable year. Multiply line C by (line F divided by 365). Round to the dollar.	G. _____
Line H	Enter the amount of nonshareable net business loss that the member is using from its Form 6, Part IV, line 7.	H. _____
Line I	Maximum amount that this member may share with other members for this taxable year. Subtract line H from line A. • If the difference is greater to or equal to line G, enter the amount from line G and go to line J. • If the difference is greater than zero but less than line G, enter the difference and go to line J. • If the difference is zero or less, enter zero and stop. There are no remaining nonshareable net business loss carryforwards available.	I._____
Line J	Does the member choose to share less than the maximum amount allowed to be shared this year from line I? If yes, enter that amount here. This amount must be between zero and the amount on line I. If no, enter the amount from line I.	J. _____

Step 2: Allocate to other members. Using the allocation method shown in the instructions for line 14, Examples 1 and 2, allocate the amounts (line J) being shared with other members. After this allocation has been made, enter the member's amount shared with other members on Form 6, Part IV, line 16.

The sum of all group members line 16 amounts should equal the sum of all group members line 17 amounts.
The member's Form 6BL, columns (f), (g), and (h) should include the amounts that the member is sharing with other members since this amount is being used up.

Step 3: Compute carryforward, if any. If the member did not use the maximum amount (line I) to offset the income of other members, the remainder may be added to that portion of pre-2009 net business loss carryforward that may offset the income of all other members in a subsequent year until the pre-2009 net business loss carryforward is completely used or expired. Pre-2009 net business loss carryfowards may not be used in any taxable year that begins on or after January 1, 2032.

Line K	Enter the amount from line I.	K. _____
Line L	Enter the amount from Form 6, Part IV, line 16.	L. _____
Line M	Subtract line L from line K. This amount may be carried forward.	M. _____

The member's Form 6BL, column (f) should include the amount that the member is converting to the new class of pre-2009 shareable net business loss carryforward. In addition, this amount will be added to the member's Form 6BL, column (k) for the subsequent taxable year.

■ **Line 17. Pre-2009 Net Business Loss Carryforward Amount Being Shared With This Member –** Enter the amount of pre-2009 net business loss carryforward being shared with this combined group member. See the instructions for line 14, Examples 1 and 2, for the allocation method.

The sum of all members' line 16 amounts should equal the sum of all members' line 17 amounts.

Part V: Nonrefundable Credits

Enter the corporation's name and federal employer identification number. For paper filers, enter as much of the corporation's name that will fit in the space provided. The full corporation name will be entered on Part VI of Form 6. **Note: If a foreign company does not have a FEIN because they are not required to obtain one, the foreign company should enter all 9's in the FEIN field.**

Enter the information for each member in a separate column. If there are more than three members, use an additional page 11 of Form 6. Once all members have been entered, compute one combined total column for all the members of the group.

For example, if there are seven members in the combined group, enter members one through three on page 11 of Form 6, leaving the combined total column blank. Next, enter members four through six on page 11 of Form 6, leaving the combined total columns blank. Finally, complete another page 11 of Form 6 for the seventh and final member. Leave the other two columns blank, and enter the combined totals for all members of the group in the final column.

If the corporation is using nonrefundable credits, you **must** complete Part V to ensure that sharable credits and nonsharable credits are properly accounted for.

■ **Line 1. Gross Tax –** Enter the member's gross tax from Form 6, Part III, line 9.

■ **Line 2. Summary of Nonrefundable Credits Used to Offset Tax –** In the spaces to the left of line 2, enter the 2-digit code corresponding to each available credit from the table below, and the amount of credit **you are electing to use** for each code listed. (Enter the credit code on the line that looks like "└──┘"). See the Tax Release in *Wisconsin Tax Bulletin* issue 138 (April 2004) for more details on electing to use credits.

Most credits must be computed on a department-prescribed schedule. The table below indicates the schedule that must be used to compute the credit and the line number of that schedule that shows the total available credit. Only enter the amount of each credit that you are electing to use to offset your tax liability. You must submit the applicable credit schedule(s) with the combined return.

See the Tax Releases in *Wisconsin Tax Bulletin* issues 138 (April 2004) and 139 (July 2004) for more details on using carryforwards of credits and net business losses. You may access the *Wisconsin Tax Bulletin* on the Department of Revenue's web site at revenue.wi.gov/ise/wtb/index.html.

Combined groups are not required to file Schedule CR to summarize their credits. The credit codes on Form 6, Part V replace Schedule CR.

NOTE: Several nonrefundable credits expired for taxable years beginning on or after January 1, 2014. Those credits may no longer be computed; however, any eligible remaining carryover may be used until fully utilized or expired, whichever comes first. The credit schedule originally used to compute the credit is not completed for a carryforward of an expired credit. Instead, Schedule CF is completed for each credit that is being carried forward. See the Schedule CF instructions for further details. When completing Form 6, Part V, line 2, use the credit codes from the table below, not the credit codes from the Schedule CF instructions.

Codes for Nonrefundable Credits

Credit	Code	Schedule
Agriculture credit	36	MA-A
Biodiesel fuel production credit: Carryforward	18	CF
Community development finance credit: unused carryover from prior years	01	CF
Community rehabilitation program credit	02	CM
Dairy and livestock farm investment credit: Carryforward	03	CF
Development opportunity zone investment credit: unused carryover from prior years	35	CF
Development zones credit	04	DC
Development zone capital investment credit	37	DC
Early stage seed investment credit	11	VC

Credit	Code	Schedule
Economic development credit	12	ED
Electronic medical records credit: carryover	32	CF
Ethanol and biodiesel fuel pump credit: carryover	13	CF
Film production company investment credit certified under 2008 law: carryover	14	CF
Film production services certified under 2008 law – nonrefundable portion	15	CF
Health insurance risk-sharing plan assessments credit	16	CF
Internet equipment credit: carryforward	17	CF
Manufacturer's sales tax credit: carryforward	19	MS
Manufacturing investment credit	20	MI
Manufacturing credit	34	MA-M
Postsecondary education credit: carryover	21	CF
Research expense credit	22	R
Research expense credit for activities related to certain energy efficient products	23	R
Research expense credit for activities related to internal combustion engines	24	R
Research facilities credit: carryover	25	CF
Research facilities credit for activities related to certain energy efficient products: carryover	26	CF
Research facilities credit for activities related to internal combustion engines: carryover	27	CF
Super research and development credit: carryover	28	CF
Supplement to the federal historic rehabilitation credit	29	HR
Technology zone credit	30	TC
Veteran employment credit: carryover	33	CF
Water consumption credit: carryover	31	CF

Wisconsin law provides that the listed credits "may" be claimed for a taxable year. Because the statutes use the word "may" instead of "shall" or "must," you have the option of claiming all, a portion, or none of the credit available for a particular year. Any amount not used in the year for which a credit is computed may be carried forward and offset against tax until entirely used or the 15-year carryforward period expires, whichever is earlier. For further information see, Wisconsin Tax Bulletin 138. However, if you are claiming more than one credit, you must claim the credits in a specific order. The order in which you may claim the credits is per sec. 71.30(3), Wis. Stats.

For information on how to qualify for credits, see Publication 123, *Business Tax Incentives* (available on the Department of Revenue's web site at revenue.wi.gov/html/tax-pubs.html). The instructions for each credit schedule may also provide helpful information. You may find these schedules and their instructions on the Department's web site at revenue.wi.gov/html/formpub.html.

■ **Line 3. Credit Used by Member –** Subtract line 2h from line 1. This is the remaining tax after applying the credits you are electing to use.

■ **Line 4. Sharing of Research Credits –** If the available credits include one or more research credits, and those credits are still available after the corporation accounts for the credits used on line 2h, the corporation may choose to share the remaining research credits with the other combined group members.

Complete Form 6CS, *Sharing of Research Credits*, to determine the amount that may be shared. Enter the shared amount on line 4. "Research credits" include:

- Research credits (Schedule R)
- Research facilities credit carryovers (Schedule CF)
- Development zones research credit carryforward

See the Form 6CS instructions for further details on sharing research credits.

■ **Line 5. Total Nonrefundable Credits –** Enter the amount from this line on Form 6, Part III, line 10.

CAUTION: The amount of credit available for carryforward to 2017 must be reduced by the total amount on line 5.

Part VI: Additional Member Information

Enter the information for each member in a separate column. If there are more than three members, use additional pages 12, 13, and 14 of Form 6. For example, if there are seven members in the combined group, enter members one through three on pages 12, 13 and 14 of Form 6. Next, enter members four through six on additional pages 12, 13, and 14 of Form 6. Finally, complete a new page 12, 13, and 14 of Form 6 for the seventh and final member.

Enter the elimination adjustments for all members in elimination adjustments column as **positive and negative values**. A positive value will increase the total of the member's amounts reported in the combined total column and a negative value will decrease the total of the member' amounts reported in the combined total column.

■ **Line 1. State and Year of Incorporation –** Enter the 2-letter postal abbreviation for the state (or name of the foreign country) under whose laws the designated agent corporation is organized and the year of incorporation.

■ **Line 2. Period Included in This Return –** Enter the beginning and ending dates of the member's taxable year included in the combined return, even if they are the same beginning and ending dates as the combined group's taxable year. Note that if a combined group member uses a different taxable year than the group itself, that member's taxable year may be converted to the combined group's taxable year in one of two ways:

1. Preparing a separate income statement for the member for the months included in the combined group's taxable year.
2. Using the amounts for the member's taxable year that ends during the combined group's taxable year.

The designated agent must use the same method for all combined group members that have differing taxable years, and the same method must be used each year.

If a member joined or left the combined group during the year, the beginning or ending date, or both, shown on line 2 will be different than the beginning and ending dates of the combined group's taxable year.

■ **Line 3. Member's Taxable Year End –** Enter the month and day of the corporation's most recently ended taxable year, as determined for federal income tax purposes. If the corporation and the combined group have the same taxable year end, enter the month and day of the last day included in this return.

■ **Line 4. Extended Due Date –** Check here if the combined group has an extension of time to file its Wisconsin return, and enter the extended due date.

■ **Line 5. Internal Revenue Service Adjustments –** If a corporation's federal tax return is adjusted by the IRS and the adjustments affect the Wisconsin net tax payable, the amount of a Wisconsin credit, a Wisconsin net business loss carryforward, or a Wisconsin capital loss carryforward, you must report the adjustments to the Department of Revenue within 90 days after they become final.

File your amended return electronically by using one of the third party software providers:

revenue.wi.gov/eserv/corp/third.html

If you have an approved electronic filing waiver, send a copy of the final federal audit reports and any associated amended Wisconsin returns to the Wisconsin Department of Revenue, PO Box 8908, Madison, WI 53708-8908.

If submitting a federal audit report without an amended return, mail it to the Audit Bureau, Wisconsin Department of Revenue, Mail Stop 3-107, PO Box 8906, Madison, WI 53708-8906. Don't attach these items to the tax return for the current year.

■ **Line 6. Total Company Gross Receipts –** Enter the corporation's total "gross receipts from all activities." This means gross receipts, gross sales, gross dividends, gross interest income, gross rents, gross royalties, the gross sales price from the disposition of capital assets and business assets, gross receipts passed through from other entities, and all other receipts that are included in gross income for Wisconsin franchise or income tax purposes.

■ **Line 7. Wisconsin Sales –** Enter the combined group members' apportionment factor numerators from Form 6, Part III, line 1a. If the combined group member does not use apportionment, you may ignore this line.

■ **Line 8. Total Company Sales –** Enter the combined group member's common apportionment factor denominator from Form 6, Part III, line 1b. If the combined group member doesn't use apportionment, you may ignore this line.

■ **Line 9. Wisconsin Payroll –** Enter the total amount of the combined group member's payroll located in Wisconsin. Include only amounts attributable to employees of the corporation. In the computation of payroll located in Wisconsin, include individuals that satisfy one or more of the following:

- The individual's service is performed entirely in Wisconsin.
- The individual's service is performed in and outside Wisconsin, but the service performed out-side Wisconsin is incidental to the individual's service in Wisconsin.
- A portion of the individual's service is performed in Wisconsin and the base of operations of the individual is in Wisconsin.
- A portion of the individual's service is performed in Wisconsin and, if there is no base of operations, the place from which the individual's service is directed or controlled is in Wisconsin.
- A portion of the individual's service is performed in Wisconsin and neither the base of operations of the individual nor the place from which the service is directed or controlled is in any state in which some part of the service is performed, but the individual's residence is in Wisconsin.

■ **Line 10. Total Company Payroll –** Enter the total amount of the combined group member's payroll everywhere. Include only amounts attributable to employees of the corporation.

■ **Line 11. Wisconsin Tangible Property –** Enter the total amount of the combined group member's real and tangible property located in Wisconsin. Include only property that is owned by the corporation; you do not need to include property you are renting. Include the following types of property:

- Land
- Buildings
- Furniture and Fixtures
- Transportation equipment
- Machinery and other equipment
- Inventories

■ **Line 12. Total Company Property –** Enter the total amount of the combined group member's real and personal property everywhere. Use the cost basis of the property as of the end of the year. Include only property that is owned by the member of the group; you do not need to include property that is being rented. Include the following types of property:

- Land
- Buildings
- Furniture and Fixtures
- Transportation equipment
- Machinery and other equipment
- Inventories

■ **Line 13. Total Assets –** Enter the combined group member's total company assets as reported on the federal return. If the federal return is a consolidated return, enter the total company assets for this corporation as reported for purposes of the consolidated return.

■ **Line 14. Indicator for Nonunitary in Another State –** Check the box if the corporation is excluded from a combined ("unitary") return in another state because it is not considered engaged in a unitary business in that state.

If you check the box, attach a statement to identify the state for which the corporation is excluded from the combined return and explain why that state does not consider the corporation to be part of the combined group's unitary business.

NOTE: Answer "No" if the group made the controlled group election or if the corporation is a nonmember corporation filing Form N with the combined return.

■ **Line 15. Multiple Return Indicator –** If the combined group member was included in another Wisconsin return for any part of the period indicated on line 2 (other than a previously filed combined return for the same combined group), check the "Yes" box. If that other return was for another combined group, enter the FEIN of that group's designated agent on an attached statement.

■ **Line 16. Insurance Company Indicator –** Check the "Yes" box if the combined group member is an insurance company.

NOTE: If the corporation is an insurance company, it may be required to file Form 6I to make adjustments specific to insurance companies. See the Form 6I instructions for details.

■ **Line 17. Tax Exempt Corporation Indicator –** Check the "Yes" box if the combined group member is a tax exempt corporation.

■ **Line 18. Final Return –**Check the "Yes" box if the combined group member ceased to exist or withdrew from Wisconsin during the year, and provide a copy of the plan of

liquidation and federal Form 966 if the corporation liquidated.

■ **Line 19. Member Joined Group During Year –** Check the "Yes" box if this is the first year that the corporation is part of the combined group.

■ **Line 20. Member Left Group During Year –** Check the "Yes" box if the corporation left the combined group during the year.

■ **Line 21. Short Period –** If the period included in this return is less than a full year, check the "Yes" box to indicate the short period is due to a change in the corporation's accounting method.

■ **Line 22. Short Period –** If the period included in this return is less than a full year, check the "Yes" box to indicate the short period is due to a stock purchase or sale.

■ **Line 23. Limited Liability Companies –** A single-member LLC that is disregarded for federal income tax purposes is also disregarded for Wisconsin franchise or income tax purposes. You must include the income of any disregarded entities owned by a member of the combined group in the combined return as if the member itself earned the income. Check the "Yes" box if you were the sole owner of any disregarded entities and prepare and submit Schedule DE with this return.

■ **Line 24. Limited Liability Companies –** As the sole owner of an LLC, you must include the income of any disregarded entities in the combined return as if the member itself earned the income.

■ **Line 25. Use Tax –** A corporation may be liable for use tax. Use tax is the counterpart of sales tax. All tangible personal property, certain coins and stamps, certain leased properties affixed to real estate, certain digital goods and selected services, taxable under Wisconsin's sales tax law, which are stored, used, or consumed in Wisconsin, are subject to use tax if the proper sales tax is not paid. Examples of purchases that frequently result in a use tax liability include, but are not limited to, the following:

- Mail order and Internet purchases. You owe Wisconsin use tax if you buy such items as computers, furniture, or office supplies from a vendor who is not registered to collect Wisconsin tax.
- Inventory. If you purchase inventory items without tax for resale, and then use these items instead of selling them, you owe use tax.
- Give-aways. Generally, if you purchase items without tax and then give them away in Wisconsin, you owe use tax.

If you hold a seller's permit, use tax certificate, or consumer's use tax certificate, report your use tax on your sales and use tax return, Form ST-12. Otherwise, complete and file Form UT-5 to report use tax.

For more information on use tax, visit the Department's web site at revenue.wi.gov/html/sales.html, call (608) 266-2776, or e-mail DORSalesandUse@wisconsin.gov.

■ **Line 26. Uncertain Tax Positions --** If you were required to file federal Schedule UTP-Uncertain Tax Position Statement, include a copy of the schedule with your Wisconsin tax return.

■ **Line 27. Reportable Transaction Disclosure Statement –** If you were required to file federal Form 8886-Reportable Transaction Disclosure Statement, include a copy of the form with your Wisconsin tax return.

If a corporation was required to include any form with its federal tax return to disclose a "reportable transaction," as defined under sec. 71.81(1)(c), Wis. Stats., it must file a copy of that form with the Department of Revenue within 60 days of the date it is required to file it for federal income tax purposes, provided that it is otherwise required to file a Wisconsin return. This includes federal Form 8886, *Reportable Transaction Disclosure Statement*, and federal Form 114, *Report of Foreign Bank and Financial Accounts.* To file these forms for Wisconsin purposes, check the "yes" box on Form 6, Part VI, line 27 and submit the form with your Form 6.

Required Attachments

File the following items as attachments to the combined Form 6:

- A copy of the complete federal return of each member of the group (see *Methods of Providing Federal Return*, presented next, for alternative ways you can meet this requirement)
- If you are filing a federal consolidated return, a copy of federal Form 851, *Affiliations Schedule*, as submitted to the IRS
- Schedule DE identifying the solely-owned LLCs of each member of the group
- Any extension of time to file the return
- Other department-prescribed supplemental schedules as described in these instructions, including any attachments or additional schedules required per the instructions

Methods of Providing Federal Return. For combined group members that also file in a federal consolidated return, there are three alternative ways a combined group can meet the requirement to provide the complete federal return of each member of the group. The alternatives are:

1. A copy of the federal consolidated return, including all supporting forms, schedules, and statements, as submitted to the IRS
2. Pro forma federal returns prepared separately for each member of the combined group included in the federal consolidated return, including all supporting forms and schedules prepared separately for each member
3. A spreadsheet showing the line-by-line computation of taxable income of each member of the combined group included in the federal consolidated return, plus the supporting forms, schedules, and statements filed with the IRS pertaining to each member, including balance sheets, a reconciliation of income per books with income per return, and a reconciliation of retained earnings, to the extent the member was required to submit these items to the IRS.

NOTE: You may submit supplemental schedules that are not pre-programmed into your electronic filing software in one of two ways:

1. Submitting them electronically in .pdf format along with your electronic return, or
2. Mailing them to the Department with a Form W-*RA, Required Attachments for Electronic Filing*.

Additional Information, Assistance, and Forms

Web Resources

The Department of Revenue's web page, available at revenue.wi.gov, has a number of resources to provide additional information and assistance, including:

- A home page specifically for combined reporting topics (revenue.wi.gov/combrept/index.html)
- Related forms and their instructions
- Common questions on specific tax topics
- Publications on specific tax topics
- The *Wisconsin Tax Bulletin* quarterly publication, which provides information about law changes and other current issues
- Articles addressing administrative issues. A home page specifically for combined reporting topics
- Links to the Wisconsin Statutes and Administrative Code

Contact Information

If you cannot find the answer to your question on the Department's web page, contact the Department using any of the following methods:

- E-mail your question to DORFranchise@wisconsin.gov
- Call (608) 266-2772
  (Telephone help is also available using TTY equipment. Call the Wisconsin Telecommunications Relay System at 711 or, if no answer, (800) 947-3529. These numbers are to be used only when calling with TTY equipment.)
- Send a fax to (608) 267-0834

- Write to the Audit Bureau, Wisconsin Department of Revenue, Mail Stop 3-107, PO Box 8906, Madison, WI 53708-8906
- Call or visit any Department of Revenue office

Obtaining Forms

If you need forms or publications, you may:

- Download them from the Department's web site at revenue.wi.gov
- Request them online at revenue.wi.gov
- Call (608) 266-1961
- Call or visit any Department of Revenue office