



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5872/1  
KP:skw

## 2023 ASSEMBLY BILL 1089

February 13, 2024 - Introduced by Representative WITTKÉ, cosponsored by Senator MARKLEIN. Referred to Committee on State Affairs.

1     **AN ACT** *to renumber and amend* 77.60 (1) (a) and 77.60 (1) (b); *to amend* 70.38  
2           (1m), 71.03 (7) (intro.), 71.24 (7) (a), 71.44 (3) (a), 71.775 (4) (bm) 1., 71.775 (4)  
3           (bm) 2., 71.775 (4) (em), 71.82 (1), 71.82 (2) (b), 71.82 (2) (d), 71.84 (1), 71.84 (2)  
4           (a), 71.84 (2) (b), 71.84 (2) (c), 71.90 (1), 71.91 (6) (e) 3., 71.91 (6) (f) 5., 73.03 (6),  
5           76.075, 76.13 (2), 76.13 (2a), 76.13 (3), 76.22 (2), 76.28 (4) (a), 76.28 (4) (b), 76.28  
6           (11), 76.39 (4) (d), 76.48 (5), 77.59 (6) (c), 77.96 (5), 78.68 (1), 139.25 (1), 139.44  
7           (9), 168.12 (6) (c), 168.12 (6) (d) 2., 168.12 (6) (e) 1. and 168.12 (6) (e) 3.; and *to*  
8           **create** 77.60 (1) (b) 2. of the statutes; **relating to:** interest rates on late,  
9           nondelinquent taxes and on overpayments.

---

### ***Analysis by the Legislative Reference Bureau***

This bill modifies the interest rates applicable to various late, nondelinquent taxes and fees owed to the Department of Revenue and to overpayments for those taxes and fees that are refunded by DOR. Under current law, generally, late, nondelinquent taxes or fees administered by DOR are subject to an interest rate of 12 percent per year, and DOR must pay interest at the rate of 3 percent per year on refunds of overpayments of those taxes or fees. Under the bill, the interest rate for late, nondelinquent taxes or fees administered by DOR is 6 percent per year, and

**ASSEMBLY BILL 1089**

DOR must pay interest at the rate of 6 percent per year on refunds of overpayments. The bill applies to the following taxes and fees: 1) the individual income and corporate income and franchise tax; 2) the withholding; 3) the sales and use tax; 4) taxes paid by utilities and insurers; 5) excises taxes on motor vehicle fuel, alcohol beverages, and cigarettes, tobacco, and vapor products; 6) the economic development surcharge; 7) the petroleum inspection fee; 8) the metalliferous mining tax; and 9) the charge imposed by DOR on a city, village, town, or county for the expenses incurred by DOR in examining city, village, town, or county records regarding the assessment of property upon failure to return information requested by DOR.

Also, current law requires that an interest rate of 12 percent per year apply to delinquent individual income and corporate income and franchise taxes in instances in which the secretary of DOR determines that reduction from an interest rate of 1.5 percent per month for such delinquent taxes is fair and equitable. The bill requires that an interest rate of 6 percent per year apply to such delinquent taxes in instances in which the DOR secretary determines that the reduction is fair and equitable.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 70.38 (1m) of the statutes is amended to read:

2           70.38 (1m) ESTIMATED LIABILITY. Upon written request and for sufficient reason  
3 shown, the department shall allow a person subject to the tax under s. 70.375 to file,  
4 on or before June 15, a net proceeds tax return and to pay that tax based upon  
5 estimated tax liability. On or before September 15, that person shall file a final report  
6 and pay any additional tax due along with interest at the rate of ~~1~~ 0.5 percent per  
7 month from June 15 until the date of payment. If the additional tax exceeds 10  
8 percent of the person's tax under s. 70.375 for the previous year, the penalty and  
9 interest under s. 70.39 (1) apply. If the final report indicates that the person overpaid  
10 the person's liability, the department shall refund the overpayment.

11           **SECTION 2.** 71.03 (7) (intro.) of the statutes is amended to read:

12           71.03 (7) EXTENSION OF TIME TO FILE. (intro.) Returns of natural persons and  
13 fiduciaries that require a statement of amounts or information contained or entered

**ASSEMBLY BILL 1089****SECTION 2**

1 on a corresponding return under the internal revenue code shall be filed within the  
2 time fixed under that code for filing of the corresponding federal return. Any  
3 extension of time granted by law or by the internal revenue service for the filing of  
4 that corresponding federal return extends the time for filing under this chapter if a  
5 copy of the taxpayer's application to the internal revenue service requesting the  
6 extension is filed with the return under this chapter or if a copy of any request for  
7 an extension required by the internal revenue service is filed with the return under  
8 this chapter or at an earlier date that the department prescribes by rule and if the  
9 taxpayer pays the Wisconsin tax in the manner applicable to federal income taxes  
10 under the internal revenue code. Taxes payable upon the filing of the return do not  
11 become delinquent during the period of an extension but are subject to interest at the  
12 rate of ~~12~~ 6 percent per year during such period except as follows:

13 **SECTION 3.** 71.24 (7) (a) of the statutes is amended to read:

14 71.24 (7) (a) In the case of a corporation required to file a return, the  
15 department of revenue shall allow an automatic extension of 7 months or until the  
16 original due date of the corporation's corresponding federal return, whichever is  
17 later. Any extension of time granted by law or by the internal revenue service for the  
18 filing of corresponding federal returns shall extend the time for filing under this  
19 subchapter to 30 days after the federal due date if the corporation reports the  
20 extension in the manner specified by the department on the return. Except for  
21 payments of estimated taxes, income or franchise taxes payable upon the filing of the  
22 tax return shall not become delinquent during such extension period, but shall,  
23 except as provided in par. (b), be subject to interest at the rate of ~~12~~ 6 percent per year  
24 during such period.

25 **SECTION 4.** 71.44 (3) (a) of the statutes is amended to read:

**ASSEMBLY BILL 1089****SECTION 4**

1           71.44 (3) (a) In the case of a corporation required to file a return, the  
2 department of revenue shall allow an automatic extension of 7 months or until the  
3 original due date of the corporation's corresponding federal return, whichever is  
4 later. Any extension of time granted by law or by the internal revenue service for the  
5 filing of corresponding federal returns shall extend the time for filing under this  
6 subchapter to 30 days after the federal due date if the corporation reports the  
7 extension in the manner specified by the department on the return. Except for  
8 payments of estimated taxes, income or franchise taxes payable upon the filing of the  
9 tax return shall not become delinquent during such extension period, but shall,  
10 except as provided in par. (b), be subject to interest at the rate of ~~12~~ 6 percent per year  
11 during such period.

12           **SECTION 5.** 71.775 (4) (bm) 1. of the statutes is amended to read:

13           71.775 (4) (bm) 1. For the return under par. (a), the department shall allow an  
14 automatic extension of 7 months or until the corresponding due date of the  
15 pass-through entity's federal income tax return or return of partnership income,  
16 whichever is later. Except for payments of estimated taxes, and except as provided  
17 in subd. 2., withholding taxes payable upon filing the return are not delinquent  
18 during the extension period but shall be subject to interest at the rate of ~~12~~ 6 percent  
19 per year during that period.

20           **SECTION 6.** 71.775 (4) (bm) 2. of the statutes is amended to read:

21           71.775 (4) (bm) 2. For taxable years beginning after December 31, 2008, for  
22 persons who qualify for a federal extension of time to file under 26 USC 7508A due  
23 to a presidentially declared disaster or terroristic or military action, withholding  
24 taxes that are otherwise due from a pass-through entity under sub. (2) are not

**ASSEMBLY BILL 1089****SECTION 6**

1 subject to ~~12~~ 6 percent interest as otherwise provided under subd. 1. during the  
2 extension period and for 30 days after the end of the federal extension period.

3 **SECTION 7.** 71.775 (4) (em) of the statutes is amended to read:

4 71.775 (4) (em) Except as provided in par. (fm), in the case of any underpayment  
5 of estimated withholding taxes under par. (cm), interest shall be added to the  
6 aggregate withholding tax for the taxable year at the rate of ~~12~~ 6 percent per year  
7 on the amount of the underpayment for the period of the underpayment. In this  
8 paragraph, "period of the underpayment" means the time period beginning with the  
9 due date of the installment and ending on either the unextended due date of the  
10 return under par. (a) or the date of payment, whichever is earlier. ~~If 90 percent of~~  
11 ~~the tax due under sub. (2) for the taxable year is not paid by the unextended due date~~  
12 ~~of the return under par. (a), the difference between that amount and the estimated~~  
13 ~~taxes paid, along with any interest due, shall accrue delinquent interest in the same~~  
14 ~~manner as income and franchise taxes under s. 71.82 (2) (a).~~

15 **SECTION 8.** 71.82 (1) of the statutes is amended to read:

16 71.82 (1) NORMAL. (a) In assessing taxes interest shall be added to such taxes  
17 at ~~12~~ 6 percent per year from the date on which such taxes if originally assessed  
18 would have become delinquent if unpaid, to the date on which such taxes when  
19 subsequently assessed will become delinquent if unpaid.

20 (b) Except as otherwise specifically provided, in crediting overpayments of  
21 income and surtaxes against underpayments or against taxes to be subsequently  
22 collected and in certifying refunds of such taxes interest shall be added at the rate  
23 of ~~3~~ 6 percent per year from the date on which such taxes when assessed would have  
24 become delinquent if unpaid to the date on which such overpayment was certified for  
25 refund except that if any overpayment of tax is certified for refund within 90 days

**ASSEMBLY BILL 1089****SECTION 8**

1 after the last date prescribed for filing the return of such tax or 90 days after the date  
2 of actual filing of the return of such tax, whichever occurs later, no interest shall be  
3 allowed on such overpayment. For purposes of this section the return of such tax  
4 shall not be deemed actually filed by an employee unless and until the employee has  
5 included the written statement required to be filed under s. 71.65 (1). However when  
6 any part of a tax paid on an estimate of income, whether paid in connection with a  
7 tentative return or not, is refunded or credited to a taxpayer, such refund or credit  
8 shall not draw interest.

9 (c) Any assessment made as a result of the adjustment or disallowance of a  
10 claim for credit under s. 71.07, 71.28 or 71.47 or subch. VIII or IX, except as provided  
11 in sub. (2) (c), shall bear interest at ~~12~~ 6 percent per year from the due date of the  
12 claim.

13 **SECTION 9.** 71.82 (2) (b) of the statutes is amended to read:

14 71.82 (2) (b) *Department may reduce delinquent interest.* The department shall  
15 provide by rule for reduction of interest under par. (a) to ~~12~~ 6 percent per year in  
16 stated instances wherein the secretary of revenue determines that reduction is fair  
17 and equitable.

18 **SECTION 10.** 71.82 (2) (d) of the statutes is amended to read:

19 71.82 (2) (d) *Withholding tax.* Of the amounts required to be withheld any  
20 amount not deposited or paid over to the department within the time required shall  
21 be deemed delinquent and deposit reports or withholding reports filed after the due  
22 date shall be deemed late. Delinquent deposits or payments shall bear interest at  
23 the rate of 1.5 percent per month from the date deposits or payments are required  
24 under this section until deposited or paid over to the department. The department  
25 shall provide by rule for reduction of interest on delinquent deposits to ~~12~~ 6 percent

**ASSEMBLY BILL 1089****SECTION 10**

1 per year in stated instances wherein the secretary of revenue determines reduction  
2 fair and equitable. In the case of a timely filed deposit or withholding report,  
3 withheld taxes shall become delinquent if not deposited or paid over on or before the  
4 due date of the report. In the case of no report filed or a report filed late, withheld  
5 taxes shall become delinquent if not deposited or paid over by the due date of the  
6 report. In the case of an assessment under s. 71.83 (1) (b) 2., the amount assessed  
7 shall become delinquent if not paid on or before the first day of the calendar month  
8 following the calendar month in which the assessment becomes final, but if the  
9 assessment is contested before the tax appeals commission or in the courts, it shall  
10 become delinquent on the 30th day following the date on which the order or judgment  
11 representing final determination becomes final.

12 **SECTION 11.** 71.84 (1) of the statutes is amended to read:

13 71.84 (1) INDIVIDUALS AND FIDUCIARIES. Except as provided in s. 71.09 (11), in  
14 the case of any underpayment of estimated tax by an individual, estate or trust,  
15 except as provided under s. 71.09, there shall be added to the aggregate tax for the  
16 taxable year interest at the rate of ~~12~~ 6 percent per year on the amount of the  
17 underpayment for the period of the underpayment. In this subsection, “the period  
18 of the underpayment” means the time period from the due date of the installment  
19 until either the 15th day of the 4th month beginning after the end of the taxable year  
20 or the date of payment, whichever is earlier.

21 **SECTION 12.** 71.84 (2) (a) of the statutes is amended to read:

22 71.84 (2) (a) Except as provided in s. 71.29 (7), in the case of any underpayment  
23 of estimated tax by a corporation under s. 71.29 or 71.48, there shall be added to the  
24 aggregate tax for the taxable year interest at the rate of ~~12~~ 6 percent per year on the  
25 amount of the underpayment for the period of the underpayment. In this paragraph,

**ASSEMBLY BILL 1089****SECTION 12**

1 “period of the underpayment” means the time period from the due date of the  
2 installment until either the date on which the corporation is required to file for  
3 federal income tax purposes, not including any extension, under the Internal  
4 Revenue Code or the date of payment, whichever is earlier. ~~If 90 percent of the tax~~  
5 ~~shown on the return is not paid by the date on which the corporation is required to~~  
6 ~~file for federal income tax purposes, not including any extension, under the Internal~~  
7 ~~Revenue Code, the difference between that amount and the estimated taxes paid,~~  
8 ~~along with any interest due, shall accrue delinquent interest under s. 71.91 (1) (a).~~

9 **SECTION 13.** 71.84 (2) (b) of the statutes is amended to read:

10 71.84 (2) (b) For corporations that are subject to a tax under this chapter on  
11 unrelated business taxable income, as defined under section 512 of the internal  
12 revenue code, and virtually exempt entities, “period of the underpayment” means the  
13 time period from the due date of the installment until either the 15th day of the 5th  
14 month beginning after the end of the taxable year or the date of payment, whichever  
15 is earlier. ~~If 90 percent of the tax shown on the return is not paid by the 15th day of~~  
16 ~~the 5th month following the close of the taxable year, the difference between that~~  
17 ~~amount and the estimated taxes paid along with any interest due, shall accrue~~  
18 ~~delinquent interest under s. 71.91 (1) (a).~~

19 **SECTION 14.** 71.84 (2) (c) of the statutes is amended to read:

20 71.84 (2) (c) If a refund under s. 71.29 (3m) results in an income or franchise  
21 tax liability that is greater than the amount of estimated taxes paid when reduced  
22 by the amount of the refund, the taxpayer shall add to the aggregate tax for the  
23 taxable year interest at an annual rate of ~~12~~ 6 percent on the amount of the unpaid  
24 tax liability for the period beginning on the date the refund is issued and ending on  
25 either the date on which the taxpayer is required to file for federal income tax



**ASSEMBLY BILL 1089****SECTION 14**

1 purposes, not including any extension, under the Internal Revenue Code or the date  
2 the tax liability is paid, whichever is earlier.

3 **SECTION 15.** 71.90 (1) of the statutes is amended to read:

4 71.90 (1) DEPOSIT. The department shall notify any person who files a petition  
5 for redetermination that the person may deposit the amount of an additional  
6 assessment, including any interest or penalty, with the department, or with a person  
7 that the department prescribes, at any time before the department makes its  
8 redetermination. The department shall notify spouses jointly except that, if the  
9 spouses have different addresses and if either spouse notifies the department in  
10 writing of those addresses, the department shall serve a duplicate of the original  
11 notice on the spouse who has the address other than the address to which the original  
12 notice was sent. Amounts deposited under this subsection shall be subject to the  
13 interest provided by s. 71.82 only to the extent of the interest accrued prior to the first  
14 day of the month succeeding the date of deposit. Any deposited amount which is  
15 refunded shall bear interest at the rate of ~~3~~ 6 percent per year during the time the  
16 funds were on deposit. A person may also pay any portion of an assessment which  
17 is admitted to be correct and the payment shall be considered an admission of the  
18 validity of that portion of the assessment and may not be recovered in an appeal or  
19 in any other action or proceeding.

20 **SECTION 16.** 71.91 (6) (e) 3. of the statutes is amended to read:

21 71.91 (6) (e) 3. For purposes of an adjudication under this paragraph, the  
22 assessment of the tax upon which the interest or lien of the department is based is  
23 conclusively presumed to be valid. Interest shall be allowed for judgments under this  
24 paragraph at the rate of ~~12~~ 6 percent per year from the date the department receives

**ASSEMBLY BILL 1089****SECTION 16**

1 the money wrongfully levied upon to the date of payment of the judgment or from the  
2 date of sale to the date of payment.

3 **SECTION 17.** 71.91 (6) (f) 5. of the statutes is amended to read:

4 71.91 (6) (f) 5. Before the sale, the department shall determine a minimum  
5 price for which the property shall be sold. If no person offers for that property at the  
6 sale at least the amount of the minimum price, the state shall purchase the property  
7 for the minimum price; otherwise, the property shall be sold to the highest bidder.  
8 In determining the minimum price, the department shall take into account the  
9 expense of making the levy and sale in addition to the value of the property. If  
10 payment in full is required at the time of acceptance of a bid and is not paid then, the  
11 department shall sell the property in the manner provided under this paragraph.  
12 If the conditions of the sale permit part of the payment to be deferred and if that part  
13 is not paid within the prescribed period, the department may sue the purchaser in  
14 the circuit court for Dane County for the unpaid part of the purchase price and  
15 interest at the rate of ~~12~~ 6 percent per year from the date of the sale or the department  
16 may declare the sale void and may sell the property again under this paragraph. If  
17 the property is sold again, the 2nd purchaser shall receive it free of any claim of the  
18 defaulting purchaser and the amount paid upon the bid price by the defaulting  
19 purchaser is forfeited.

20 **SECTION 18.** 73.03 (6) of the statutes is amended to read:

21 73.03 (6) In its discretion to inspect and examine or cause an inspection and  
22 examination of the records of any town, city, village, or county officer whenever such  
23 officer shall have failed or neglected to return properly the information as required  
24 by sub. (5), within the time set by the department of revenue. Upon the completion  
25 of such inspection and examination the department of revenue shall transmit to the

**ASSEMBLY BILL 1089****SECTION 18**

1 clerk of the town, city, village, or county a statement of the expenses incurred by the  
2 department of revenue to secure the necessary information. Duplicates of such  
3 statements shall be filed in the office of the secretary of administration. Within 60  
4 days after the receipt of the above statement, the same shall be audited, as other  
5 claims of towns, cities, villages, and counties are audited, and shall be paid into the  
6 state treasury, in default of which the same shall become a special charge against  
7 such town, city, village, or county and be included in the next apportionment or  
8 certification of state taxes and charges, and collected with interest at the rate of 10  
9 6 percent per year from the date such statements were certified by the department,  
10 as other special charges are certified and collected.

11 **SECTION 19.** 76.075 of the statutes is amended to read:

12 **76.075 Adjustments of assessments.** Within 4 years after the due date, or  
13 extended due date, of the report under s. 76.04, any person subject to taxation under  
14 this subchapter may request the department to make, or the department may make,  
15 an adjustment to the data under s. 76.07 (4g) or (4r) submitted by the person. If an  
16 adjustment under this section results in an increase in the tax due under this  
17 subchapter, the person shall pay the amount of the tax increase plus interest on that  
18 amount at the rate of ~~1~~ 0.5 percent per month from the due date or extended due  
19 date of the report under s. 76.04 until the date of final determination and interest  
20 at the rate of 1.5 percent per month from the date of final determination until the  
21 date of payment. If an adjustment under this section results in a decrease in the tax  
22 due under this subchapter, the department shall refund the appropriate amount plus  
23 interest at the rate of ~~0.25~~ 0.5 percent per month from the due date or extended due  
24 date under s. 76.04 until the date of refund. Sections 71.74 (1) and (2) and 71.75 (6)

**ASSEMBLY BILL 1089****SECTION 19**

1 and (7), as they apply to income and franchise tax adjustments, apply to adjustments  
2 under this section. Review of the adjustments is as stated in s. 76.08.

3 **SECTION 20.** 76.13 (2) of the statutes is amended to read:

4 76.13 (2) Every tax roll upon completion shall be delivered to the secretary of  
5 administration. The department shall notify, by certified mail, all companies listed  
6 on the tax roll of the amount of tax due, which shall be paid to the department. The  
7 payment dates provided for in sub. (2a) shall apply. The payment of one-fourth of  
8 the tax of any company may, if the company has brought an action in the Dane  
9 County circuit court under s. 76.08, be made without delinquent interest as provided  
10 in s. 76.14 any time prior to the date upon which the appeal becomes final, but any  
11 part of the tax ultimately required to be paid shall bear interest from the original due  
12 date to the date the appeal became final at the rate of ~~12~~ 6 percent per year and at  
13 1.5 percent per month thereafter until paid. The taxes extended against any  
14 company after the same become due, with interest, shall be a lien upon all the  
15 property of the company prior to all other liens, claims, and demands whatsoever,  
16 except as provided in ss. 292.31 (8) (i) and 292.81, which lien may be enforced in an  
17 action in the name of the state in any court of competent jurisdiction against the  
18 property of the company within the state as an entirety.

19 **SECTION 21.** 76.13 (2a) of the statutes is amended to read:

20 76.13 (2a) Taxes levied under this section shall be paid to the department in  
21 semiannual installments, on May 10 and November 10, on a partially estimated  
22 basis. The May 10 payment shall be at least 50 percent of the total tax assessed for  
23 the previous calendar year or 40 percent of the tax assessed for the current calendar  
24 year. Any amounts not paid when due shall become delinquent and shall be subject  
25 to interest under s. 76.14. The payment of 25 percent of the tax of any company may,

**ASSEMBLY BILL 1089****SECTION 21**

1 if the company has brought an action in the Dane County circuit court under s. 76.08,  
2 be made without delinquent interest as provided in s. 76.14 any time prior to the date  
3 upon which the appeal becomes final, but any part thereof ultimately required to be  
4 paid shall bear interest from the original due date to the date the appeal becomes  
5 final at the rate of ~~12~~ 6 percent per year and at 1.5 percent per month thereafter until  
6 paid. Companies with a tax liability under this section of less than \$2,000 are not  
7 required to make semiannual payments but shall pay the full amount of taxes due  
8 on or before November 10.

9 **SECTION 22.** 76.13 (3) of the statutes is amended to read:

10 76.13 (3) If the Dane County circuit court, after such roll is delivered to the  
11 secretary of administration, increases or decreases the assessment of any company,  
12 the department shall immediately redetermine the tax of the company on the basis  
13 of the revised assessment, and shall certify and deliver the revised assessment to the  
14 secretary of administration as a revision of the tax roll. If the amount of tax upon  
15 the assessment as determined by the court is less than the amount paid by the  
16 company, the secretary of administration shall refund the excess to the company with  
17 interest at the rate of ~~3~~ 6 percent per year. If the amount of the tax upon the  
18 assessment as determined by the court is in excess of the amount of the tax as  
19 determined by the department, interest shall be paid on the additional amount at the  
20 rate of ~~12~~ 6 percent per year from the date of entry of judgment to the date the  
21 judgment becomes final, and at 1.5 percent per month thereafter until paid.

22 **SECTION 23.** 76.22 (2) of the statutes is amended to read:

23 76.22 (2) The action to recover taxes and interest and to enforce the same as  
24 a lien shall be an action in equity and shall be commenced and carried on and  
25 judgment entered according to the laws of the state and the rules and practice of

**ASSEMBLY BILL 1089****SECTION 23**

1 courts of equity so far as applicable. No reference shall be made to take testimony  
2 or to hear, try and determine the issues of fact in the action. The judgment shall fix  
3 the amount of taxes and interest, adjudge the same a lien on the property of the  
4 company and provide for the sale of such property in 90 days after the entry of  
5 judgment upon publication of the notice of sale as a class 3 notice, under ch. 985. The  
6 judgment shall bear interest at the rate of ~~10~~ 6 percent per year from the date of entry  
7 until finally paid.

8 **SECTION 24.** 76.28 (4) (a) of the statutes is amended to read:

9 76.28 (4) (a) If after filing the reports specified in sub. (7) and after the  
10 department's computation and assessment of license fees under sub. (2) it is  
11 determined that the amount of gross revenues reported is in error, the department  
12 shall compute the additional license fee to be paid or the amount of the overpayment  
13 of license fee to be refunded, as the case may be. If an additional license fee is due,  
14 the department shall give notice to the light, heat and power company against whom  
15 the license fee is to be levied. All such additional assessments and claims for refunds  
16 for excess license fees paid are subject to the same procedure for review and final  
17 determination as additional income or franchise tax assessments and claims for  
18 refunds under ch. 71 as far as the same may be applicable, except that appeals of  
19 denials of claims for refunds shall be made directly to the tax appeals commission  
20 and except that the additional license fees shall become delinquent 60 days after  
21 notice provided in this subsection or, if review proceedings are held, 60 days following  
22 final determination of the review proceedings. All additional license fees shall bear  
23 interest at the rate of ~~12~~ 6 percent per year from the time they should have been paid  
24 to the date on which the additional fees shall become delinquent if unpaid.

25 **SECTION 25.** 76.28 (4) (b) of the statutes is amended to read:

**ASSEMBLY BILL 1089****SECTION 25**

1           76.28 (4) (b) In the case of overpayments of license fees by any light, heat and  
2 power company under par. (a), the department shall certify the overpayments to the  
3 department of administration, which shall audit the amount of the overpayments  
4 and the secretary of administration shall pay the amounts determined by means of  
5 the audit. All refunds of license fees under this subsection shall bear interest at the  
6 annual rate of ~~3~~ 6 percent from the date of the original payment to the date when  
7 the refund is made. The time for making additional levies of license fees or claims  
8 for refunds of excess license fees paid, in respect to any year, shall be limited to 4  
9 years after the time the report for such year was filed.

10           **SECTION 26.** 76.28 (11) of the statutes is amended to read:

11           76.28 (11) PAYMENT BEFORE CONTESTING. No action or proceeding, except a  
12 petition for redetermination under sub. (4), may be brought by a light, heat or power  
13 company against this state to contest any assessment of a tax under this section  
14 unless the taxpayer first pays to this state the amount of tax assessed. If the  
15 taxpayer prevails in an action or proceeding, this state shall settle with the taxpayer,  
16 including payment of interest at ~~3~~ 6 percent per year on the amount of the money  
17 paid from the date of payment until the date of judgment.

18           **SECTION 27.** 76.39 (4) (d) of the statutes is amended to read:

19           76.39 (4) (d) All refunds shall be certified by the department to the department  
20 of administration which shall audit the amount of the refunds and the secretary of  
21 administration shall pay the amount, together with interest at the rate of ~~3~~ 6 percent  
22 per year from the date payment was made. All additional taxes shall bear interest  
23 at the rate of ~~12~~ 6 percent per year from the time they should have been paid to the  
24 date upon which the additional taxes shall become delinquent if unpaid.

25           **SECTION 28.** 76.48 (5) of the statutes is amended to read:

**ASSEMBLY BILL 1089****SECTION 28**

1           76.48 (5) Additional assessments may be made, if notice of such assessment is  
2 given, within 4 years of the date the annual return was filed, but if no return was  
3 filed, or if the return filed was incorrect and was filed with intent to defeat or evade  
4 the tax, an additional assessment may be made at any time upon the discovery of  
5 gross revenues by the department. Refunds may be made if a claim for the refund  
6 is filed in writing with the department within 4 years of the date the annual return  
7 was filed. Refunds shall bear interest at the rate of ~~3~~ 6 percent per year and shall  
8 be certified by the department to the secretary of administration who shall audit the  
9 amounts of such overpayments and pay the amount audited. Additional  
10 assessments shall bear interest at the rate of ~~12~~ 6 percent per year from the time they  
11 should have been paid to the date upon which they shall become delinquent if unpaid.

12           **SECTION 29.** 77.59 (6) (c) of the statutes is amended to read:

13           77.59 (6) (c) The department shall notify any person who files a petition for  
14 redetermination that the person may deposit the entire deficiency determination,  
15 including any penalty or interest, with the department when the petition is filed or  
16 at any time before the department makes its redetermination. Any deposited  
17 amount which is refunded shall bear interest at the rate of ~~3~~ 6 percent per year  
18 during the time the funds were on deposit. A person may also pay any portion of a  
19 deficiency determination admitted to be correct and the payment shall be considered  
20 an admission of the validity of that portion of the deficiency determination and may  
21 not be recovered in an appeal or in any other action or proceeding.

22           **SECTION 30.** 77.60 (1) (a) of the statutes is renumbered 77.60 (1) (a) (intro.) and  
23 amended to read:

24           77.60 (1) (a) (intro.) Except as provided in par. (b), unpaid the following interest  
25 rates apply:



**ASSEMBLY BILL 1089****SECTION 30**

1           1. Unpaid taxes shall bear interest at the rate of ~~12~~ 6 percent per year from the  
2           unextended due date of the return until paid or deposited with the department.

3           2. Taxes refunded to the seller shall bear interest at ~~3~~ 6 percent per year from  
4           the due date of the return to the date on which the refund is certified on the refund  
5           rolls. ~~An extension of time within which to file a return shall not extend the due date~~  
6           ~~of the return for purposes of interest computation.~~

7           3. Taxes refunded to the buyer shall bear interest at ~~3~~ 6 percent per year from  
8           the last day of the month following the month during which the buyer paid the tax  
9           to the date on which the refund is certified on the refund rolls.

10           **SECTION 31.** 77.60 (1) (b) of the statutes is renumbered 77.60 (1) (b) 1. and  
11           amended to read:

12           77.60 (1) (b) 1. Any unpaid taxes for a calendar year or a fiscal year resulting  
13           from a field audit shall bear interest at the rate of ~~12~~ 6 percent per year from the  
14           unextended due date of the taxpayer's Wisconsin income or franchise tax return for  
15           that calendar or fiscal year or, if exempt the filing of an income or franchise tax return  
16           under ch. 71 is not required, from the 15th day of the 4th month of the year after the  
17           close of the calendar or fiscal year for which the taxes are due to the date on which  
18           the taxes are paid or, if unpaid, become delinquent, whichever is earlier.

19           **SECTION 32.** 77.60 (1) (b) 2. of the statutes is created to read:

20           77.60 (1) (b) 2. Taxes refunded as a result of a field audit shall bear interest at  
21           the rate of 6 percent per year from the unextended due date of the taxpayer's income  
22           or franchise tax return for that calendar or fiscal year or, if the filing of an income  
23           or franchise tax return under ch. 71 is not required, from the 15th day of the 4th  
24           month of the year after the close of the calendar or fiscal year to the date on which  
25           the refund is certified on the refund rolls.

**ASSEMBLY BILL 1089****SECTION 33**

1           **SECTION 33.** 77.96 (5) of the statutes is amended to read:

2           77.96 (5) Each person subject to a surcharge under s. 77.93 shall, on or before  
3 the due date, including extensions, for filing under ch. 71, file an accurate statement  
4 of its gross tax liability. Payments made after the due date under sub. (2) and on or  
5 before the due date under this subsection are not delinquent but are subject to  
6 interest at the rate of ~~12~~ 6 percent per year.

7           **SECTION 34.** 78.68 (1) of the statutes is amended to read:

8           78.68 (1) Unpaid taxes shall bear interest at the rate of ~~12~~ 6 percent per year  
9 from the due date of the tax until paid or deposited with the department, and all  
10 refunded taxes bear interest at the rate of ~~3~~ 6 percent per year from the due date  
11 of the return to the date on which the refund is certified on the refund rolls.

12           **SECTION 35.** 139.25 (1) of the statutes is amended to read:

13           139.25 (1) INTEREST AND PENALTIES. Unpaid taxes bear interest at the rate of  
14 ~~12~~ 6 percent per year from the due date of the return until paid or deposited with the  
15 department, and all refunded taxes bear interest at the rate of ~~3~~ 6 percent per year  
16 from the due date of the return to the date on which the refund is certified on the  
17 refund rolls.

18           **SECTION 36.** 139.44 (9) of the statutes is amended to read:

19           139.44 (9) Unpaid taxes bear interest at the rate of ~~12~~ 6 percent per year from  
20 the due date of the return until paid or deposited with the department, and all  
21 refunded taxes bear interest at the rate of ~~3~~ 6 percent per year from the due date  
22 of the return to the date on which the refund is certified on the refund rolls.

23           **SECTION 37.** 168.12 (6) (c) of the statutes is amended to read:

24           168.12 (6) (c) The department of revenue shall investigate the correctness and  
25 veracity of the representations in the claim and may require a claimant to submit

**ASSEMBLY BILL 1089****SECTION 37**

1 records to substantiate the claim. The department of revenue shall either allow or  
2 deny a claim under this subsection not later than 60 days after the filing of the claim.  
3 If the department of revenue allows the claim, it shall pay the claimant the amount  
4 allowed from the moneys appropriated under s. 20.855 (4) (r). If the department of  
5 revenue does not pay the allowance by the 90th day after the date on which the  
6 purchaser files the claim, the department of revenue shall also pay interest on the  
7 unpaid claim beginning on that day, at the rate of ~~3~~ 6 percent per year, from the  
8 moneys appropriated under s. 20.855 (4) (r).

9 **SECTION 38.** 168.12 (6) (d) 2. of the statutes is amended to read:

10 168.12 **(6)** (d) 2. If the department of revenue has paid the claim, require the  
11 purchaser to refund to the department of revenue that portion of the amount paid  
12 under par. (c) to which the purchaser is not entitled and impose a penalty on the  
13 purchaser equal to 25 percent of the allowance, plus interest on the sum of the unpaid  
14 penalty and the amount required to be refunded, accruing from the date that the  
15 penalty is imposed, at the rate of ~~12~~ 6 percent per year.

16 **SECTION 39.** 168.12 (6) (e) 1. of the statutes is amended to read:

17 168.12 **(6)** (e) 1. If the claim has not been paid and the department of revenue  
18 allows no portion of the claim, impose a penalty on the purchaser equal to 50 percent  
19 of the amount claimed by the purchaser, plus interest on the unpaid penalty, accruing  
20 from the date that the penalty is imposed, at the rate of ~~12~~ 6 percent per year.

21 **SECTION 40.** 168.12 (6) (e) 3. of the statutes is amended to read:

22 168.12 **(6)** (e) 3. If the claim has been paid, require the purchaser to refund to  
23 the department of revenue that portion of the amount paid under par. (c) that the  
24 department of revenue determines was fraudulently obtained and impose a penalty  
25 on the purchaser equal to 50 percent of the amount claimed by the purchaser, plus

**ASSEMBLY BILL 1089****SECTION 40**

1 interest on the sum of the unpaid penalty and the amount required to be refunded,  
2 accruing from the date that the penalty is imposed, at the rate of ~~12~~ 6 percent per  
3 year.

4 **SECTION 41. Initial applicability.**

5 (1) INTEREST ON UNDERPAYMENTS AND OVERPAYMENTS. This act first applies to  
6 assessments issued and refunds paid on December 31, 2024, regardless of the taxable  
7 periods to which the assessments or refunds pertain.

8 (END)