

## Assembly

### Record of Committee Proceedings

#### **Committee on Ways and Means**

##### **Assembly Bill 259**

Relating to: the length of the recognition period for built-in gains tax; the evidentiary standard for proving a transaction has economic substance; participation by the Department of Revenue in the Multistate Tax Commission Audit Program; and reliance by a taxpayer on past audits by the Department of Revenue.

By Representatives Katsma, Macco, Bernier, E. Brooks, R. Brooks, Duchow, Gannon, Hutton, Jacque, Jarchow, Kooyenga, Kremer, Kuglitsch, Kulp, Murphy, Neylon, Ripp, Skowronski and Tauchen; cosponsored by Senators Marklein, Craig, Kapenga, Nass, Olsen and Stroebel.

April 20, 2017                      Referred to Committee on Ways and Means

May 09, 2017                      **Public Hearing Held**

Present:    (11)    Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, C. Taylor, Ohnstad and Doyle.  
Absent:     (0)     None.  
Excused:   (1)     Representative Riemer.

##### Appearances For

- Rep. Terry Katsma - 26 Assembly District
- Jason Culotta - Wisconsin Manufactures and Commerce
- Jim Brandenburg
- Ferdinand Hogroian - Council on State Taxation
- Tim Schaly

##### Appearances Against

- None.

##### Appearances for Information Only

- Nicole Kuehl - Wisconsin Department of Revenue

##### Registrations For

- Howard Marklein - 17th Senate District
- Jon Turke - Wisconsin Bankers Association
- Brian Dake - Wisconsin Independent Businesses
- Katie White - Wisconsin Institute of CPAs

Registrations Against

- None.

Registrations for Information Only

- None.

February 08, 2018

**Executive Session Held**

Present: (14) Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, Hutton, Sargent, C. Taylor, Ohnstad, Doyle and Spreitzer.

Absent: (0) None.

Excused: (2) Representatives Kulp and Zimmerman.

February 14, 2018

**Executive Session Held**

Present: (16) Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, Kulp, Hutton, Zimmerman, Sargent, C. Taylor, Ohnstad, Doyle and Spreitzer.

Absent: (0) None.

Excused: (0) None.

Moved by Representative Steffen, seconded by Representative Katsma that **Assembly Amendment 1** be recommended for adoption.

Ayes: (11) Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, Kulp, Hutton and Zimmerman.

Noes: (5) Representatives Sargent, C. Taylor, Ohnstad, Doyle and Spreitzer.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,  
Ayes 11, Noes 5

Moved by Representative Sargent, seconded by Representative Taylor that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (5) Representatives Sargent, C. Taylor, Ohnstad, Doyle and Spreitzer.

Noes: (11) Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, Kulp, Hutton and Zimmerman.

ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION NOT RECOMMENDED, Ayes 5, Noes 11

Moved by Representative Katsma, seconded by Representative Petersen that **Assembly Bill 259** be recommended for passage as amended.

Ayes: (11) Representative Macco; Representatives Katsma, Kerkman, Novak, Steffen, Jacque, Bernier, Petersen, Kulp, Hutton and Zimmerman.

Noes: (5) Representatives Sargent, C. Taylor, Ohnstad, Doyle and Spreitzer.

PASSAGE AS AMENDED RECOMMENDED, Ayes 11, Noes 5

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Nicholas Bures  
Committee Clerk