



1995 SENATE BILL 530

February 7, 1996 - Introduced by Senator BRESKE, cosponsored by Representatives OURADA, RYBA and HASENOHRL. Referred to Committee on State Government Operations and Corrections.

1 **AN ACT to amend** 71.03 (6m), 71.07 (3m) (b) 2. a., 71.07 (6) (b), 71.53 (2) (a), 71.59
2 (2) (a), 71.75 (2) and 71.77 (7) (intro.); and **to create** 71.75 (2m) of the statutes;
3 **relating to:** the deadline for filing an amended income tax return.

Analysis by the Legislative Reference Bureau

Under current law, in most cases, the statute of limitations during which a taxpayer may file an amended income or franchise tax return is within 4 years of the unextended date by which the return was due.

Under this bill, an individual may file an amended income tax return within 10 years of the unextended date by which the return was due. This bill also makes it explicit that the statute of limitations during which an amended return may be filed for a tax refund also applies to claims filed for the homestead, farmland tax relief and farmland preservation tax credits and corrects a cross-reference in the income tax and franchise tax statute of limitations.

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:

4 **SECTION 1.** 71.03 (6m) of the statutes is amended to read:
5 71.03 (6m) TIME TO FILE CLAIMS; NO RETURN REQUIRED. A claim for a credit under
6 s. 71.07 (3m) or subch. VIII or IX that is filed by a natural person who is not required
7 to file a report under sub. (2) (a) shall be filed on a calendar year basis in conformity

1 with the filing requirements in subs. (6) and (7) and is subject to the time period
2 specified in s. 71.75 (2m).

3 **SECTION 2.** 71.07 (3m) (b) 2. a. of the statutes is amended to read:

4 71.07 **(3m)** (b) 2. a. Unless a claim is filed with the department in conformity
5 with the filing requirements in s. 71.03 (6) and (7), except that an amended return
6 is subject to the time period specified in s. 71.75 (2).

7 **SECTION 3.** 71.07 (6) (b) of the statutes is amended to read:

8 71.07 **(6)** (b) A claimant who has filed a timely claim under par. (a) may file an
9 amended claim with the department of revenue within ~~4 years of the last day~~
10 ~~prescribed by law for filing the original claim~~ the time period specified in s. 71.75
11 (2m).

12 **SECTION 4.** 71.53 (2) (a) of the statutes is amended to read:

13 71.53 **(2)** (a) Such claim is not filed with the department of revenue in
14 conformity with the filing requirements in s. 71.03 (6) and (7), except that an
15 amended return is subject to the time period specified in s. 71.75 (2).

16 **SECTION 5.** 71.59 (2) (a) of the statutes is amended to read:

17 71.59 **(2)** (a) Unless a claim is filed with the department in conformity with the
18 filing requirements in s. 71.03 (6) and (7) for a claimant filing under subch. I, in
19 conformity with the filing requirements in s. 71.24 (1), (1m) and (7) for a claimant
20 filing under subch. IV and in conformity with the filing requirements in s. 71.44 (1),
21 (1m) and (3) for a claimant filing under subch. VII, except that an amended return
22 is subject to the time period specified in s. 71.75 (2).

23 **SECTION 6.** 71.75 (2) of the statutes is amended to read:

24 71.75 **(2)** With respect to income taxes ~~and~~, franchise taxes and claims for
25 credits, except as otherwise provided in subs. (2m), (5) and (9) and ss. 71.30 (4) and

1 71.77 (5) and (7) (b), refunds and claims for credits may be made if the claim therefor
2 is filed within 4 years of the unextended date under ~~this section~~ s. 71.03 (6) (a), 71.07
3 (3m) (b) 2. a., 71.24 (1), 71.44 (1), 71.53 (2) (a) or 71.59 (2) (a) on which the tax return
4 or claim for credit was due.

5 **SECTION 7.** 71.75 (2m) of the statutes is created to read:

6 71.75 **(2m)** Notwithstanding the limitations in subs. (2) and (5), with respect
7 to income taxes and claims for credits, refunds and claims for credits filed by
8 individuals may be made if the claim therefor is filed within 10 years of the
9 unextended date under s. 71.03 (6) (a), 71.07 (3m) (b) 2. a., 71.53 (2) (a) or 71.59 (2)
10 (a) on which the tax return or claim for credit was due.

11 **SECTION 8.** 71.77 (7) (intro.) of the statutes is amended to read:

12 71.77 **(7)** (intro.) Notwithstanding any ~~other~~ limitations other than s. 71.75
13 (2m) expressed in this chapter, an assessment or refund may be made:

14 **SECTION 9. Initial applicability.**

15 (1) This act first applies to claims filed in taxable years beginning on January
16 1, 1996.

17 **(END)**