



1997 ASSEMBLY BILL 209

March 25, 1997 - Introduced by Representatives WASSERMAN, M. LEHMAN, GOETSCH, GRONEMUS, GROTHMAN, HAHN, LORGE, PLALE, REYNOLDS and STASKUNAS, cosponsored by Senator HUELSMAN. Referred to Committee on Ways and Means.

1 **AN ACT to amend** 71.75 (5) of the statutes; **relating to:** the deadline for filing
2 claims for income tax refunds after audits.

Analysis by the Legislative Reference Bureau

Under current law, a taxpayer may file a claim for a refund on taxes assessed by the department of revenue after an audit within 2 years after the assessment date. Under this bill, a taxpayer may file a claim for such a refund within 2 years after the assessment date or within 4 years after the unextended due date of the return filed for the assessment period, whichever is later.

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

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

3 **SECTION 1.** 71.75 (5) of the statutes is amended to read:
4 71.75 (5) A claim for refund may be made within 2 years after the assessment
5 of a tax or an assessment to recover all or part of any tax credit, including penalties
6 and interest, under this chapter, assessed by office audit or field audit and paid if the
7 assessment was not protested by the filing of a petition for redetermination or within

ASSEMBLY BILL 209**SECTION 1**

1 4 years after the unextended due date of the return for the period assessed,
2 whichever is later. No claim may be allowed under this subsection for any tax,
3 interest or penalty paid with respect to any item of income, credit or deduction
4 self-assessed or determined by the taxpayer or assessed as the result of any
5 assessment made by the department with respect to which all the conditions
6 specified in this subsection are not met. If a claim is filed under this subsection, the
7 department of revenue may make an additional assessment in respect to any item
8 of income or deduction that was a subject of the prior assessment. This subsection
9 does not extend the time to file under s. 71.53 (2) or 71.59 (2), and it does not extend
10 the time period during which the department of revenue may assess, or the taxpayer
11 may claim a refund, in respect to any item of income or deduction that was not a
12 subject of the prior assessment.

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(END)