# 2017 DRAFTING REQUEST

# Assembly Amendment (AA-AB259)

-76

For:	Terry Kats	ma (608) 266-0656	Drafte	r:	kpleviak
By:	Nick		Secon	dary Drafters	:
Date:	5/15/2017		May (	Contact:	
Same a	sLRB: al9	55			
Reques	via email: ter's email: copy (CC) to:	krista.pleviak@	egis.wisconsin.gov degis.wisconsin.gov legis.wisconsin.gov		
Pre To	pic:				
No spe	cific pre topic giver	1			
Topic:					
Eviden	tiary standard re: ec	onomic substance;	reliance on past audit	5	
Instru	ctions:				
See atta	ached				
Drafti	ng History:				
<u>Vers.</u>	Drafted	Reviewed	Submitted	Jacketed	Required
/?	kpleviak 5/15/2017	eweiss 5/17/2017			
/P1	kpleviak 8/2/2017		lparisi 5/17/2017		
/P2	kpleviak 1/11/2018	eweiss 8/3/2017	lparisi 8/3/2017		
/P3	kpleviak 1/18/2018	eweiss 1/11/2018	mbarman 1/11/2018		
/P4	kpleviak	eweiss	mbarman		

## LRBa0586

Required

	Vers.	<u>Drafted</u> 1/22/2018	<u>Reviewed</u> 1/18/2018	<u>Submitted</u> 1/18/2018	Jacketed
	/1		eweiss 1/22/2018	mbarman 1/22/2018	mbarman 1/22/2018
(	FE Sent		<end< th=""><th>&gt;</th><th></th></end<>	>	
		-> 01-29	-2018		

See attached

#### Pleviak, Krista

From: Sent: To: Subject: Krueger, Nick Friday, May 12, 2017 10:22 AM Pleviak, Krista Katsma amendment to AB 259

Hi Krista,

We have a couple changes in mind for AB 259 (which was LRB-2602/1). Please draft one amendment for us that does the following two things:

- On page 4, lines 19-23, let's do this instead: This subsection does not apply to any period associated with an audit determination if the taxpayer did not give gave the department employee adequate and accurate false information regarding materially relevant to the tax issue in the prior audit determination that the department reasonably relied upon in making the prior audit determination or if the tax issue was settled in the prior audit determination by a written agreement between the department and the taxpayer in which the parties explicitly agreed that the department was not conceding the tax issue described in par. (a) 1.
- 2) Presently, the bill changes the evidentiary standard for proving economic substance from "clear and convincing evidence" to "a preponderance of the evidence." Instead, can we make it "clear and satisfactory evidence" as something of a compromise? I'm informed that "clear and satisfactory" would be comparable to what other states do.

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Thank you!

#### Nick Krueger

Office of Representative Terry Katsma Wisconsin State Assembly Room 208 North, State Capitol P.O. Box 8952 Madison, WI 53708 (608) 266-0656 (office) <u>www.repkatsma.com</u> Like us on Facebook at <u>https://www.facebook.com/repkatsma</u>



/NI: 05/15/17

DUE: 05/17/17 (Wer.)

pl

emw

LRBa0586

KRP:

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

## **TO ASSEMBLY BILL 259**

1 At the locations indicated, amend the bill as follows: **1.** Page 3, line 6: delete the material beginning with "clear" and ending with  $\mathbf{2}$ "of the evidence" on line 7 and substitute "clear and convincing satisfactory (3 evidence". 4  $\sqrt{2}$ . Page 3, line 14: delete the material beginning with "elear" and ending with  $\mathbf{5}$ "of the evidence" on line 15 and substitute "clear and convincing satisfactory 6  $\mathbf{7}$ evidence". 8  $\sqrt{3}$ . Page 4, line 1: delete the material beginning with "clear" and ending with "of the evidence" on line 2 and substitute "clear and convincing satisfactory 9 10 ) evidence". /4. Page 4, line 19: delete lines 19 to 23 and substitute "(a) 1. This subsection 11 12does not apply to any period associated with an audit determination if the taxpaver did not give gave the department employee adequate and accurate false information
regarding materially relevant to the tax issue in the prior audit determination that
the department reasonably relied on in making the prior audit determination or if
the tax issue was settled in the prior audit determination by a written agreement
between the department and the taxpayer in which the parties expressly
acknowledged that, at the time the agreement was executed, the department did not
concede that the taxpayer was not liable as a result of the tax issue.".

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(END)

- 2 -

#### Pleviak, Krista

From:	Krueger, Nick
Sent:	Monday, July 31, 2017 3:06 PM
То:	Pleviak, Krista; Grosz, Scott
Cc:	Rep.Katsma
Subject:	Amendment drafting request for AB 259

Hi Krista and Scott,

Thanks for your help earlier this session on AB 259, Rep. Katsma's four-part "taxpayer fairness" bill. To recap: that bill received a public hearing in the Assembly Ways and Means Committee back in May; Krista then drafted amendment LRBa0586/P1 for me shortly afterward, which we never introduced.

Having had some further conversations with DOR, we'd like to request that you help us draft LRBa0586/P2 that does the following two things:

- Keep lines 1-7 of LRBa0586/P1. In other words, current law requires the taxpayer to establish economic substance via "clear and convincing" evidence; AB 259 would have reduced this standard to "preponderance of the evidence"; but we want the amendment to require "clear and satisfactory" evidence.
- In AB 259, on page 4, after line 23, add:

(c) This subsection does not apply to any period associated with an audit determination if any of the following apply to the tax issue in the prior audit determination:

- 1. <u>The department can show by clear and satisfactory evidence that the taxpayer provided incomplete or false information</u> relevant to the tax issue.
- 2.
  - a. <u>The tax issue was settled by a written agreement between the department and the taxpayer entered before January 1, 2018.</u>
  - b. <u>The tax issue was settled by a written agreement between the department and the taxpayer entered on or after</u> January 1, 2018, in which the parties acknowledged that the department did not concede the tax issue.

**INITIAL APPLICABILITY:** The treatment of section 73.16 (3) (b) and (c) of the statutes first applies to audit determinations issued on January 1, 2018, regardless of when a prior audit determination was made.

Scott: the original provisions of AB 259 were estimated to have a \$6 million and a \$14.1 million fiscal impact, respectively, on current law. I have received verbal assurances from DOR that LRBa0586/P2 will completely eliminate those two fiscal impacts. [Two other provisions of AB 259—federalizing the built-in gains tax and withdrawing Wisconsin from participation in the Multi-State Tax Commission—are unaffected by this amendment and will continue to have smaller fiscal effects.] I'm going to need something in writing that documents DOR's assurances. What is customary in a situation like this, where the amendment, assuming it is passed, will significantly change the bill's original fiscal estimate? Can I get a revised fiscal estimate from DOR? Or should I request an LFB or Leg. Council memo? What are my options?

Thanks, as always, for your good work.

#### **Nick Krueger**

Office of Representative Terry Katsma Wisconsin State Assembly Room 208 North, State Capitol P.O. Box 8952 Madison, WI 53708 (608) 266-0656 (office) <u>www.repkatsma.com</u>



IN: 08/02/17 DUE: 08/04/17 (Fri.) P2-LRBa0586(P1) KRP:emw

RMK

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

## **TO ASSEMBLY BILL 259**

1	At the locations indicated, amend the bill as follows:
2	${f 1.}$ Page 3, line 6: delete the material beginning with "elear" and ending with
3	" <u>of the</u> " on line 7 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
4	${f 2.}$ Page 3, line 14: delete the material beginning with " <del>clear</del> " and ending with
5	" <u>of the</u> " on line 15 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
6	<b>3.</b> Page 4, line 1: delete the material beginning with "clear" and ending with
7	" <u>of the</u> " on line 2 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
8	4. Page 4, line 19: delete lines 19 to 23 and substitute "(a) 1. This subsection
9	does not apply to any period associated with an audit determination if the taxpayer
10	did not give gave the department employee adequate and accurate false information
11	regarding materially relevant to the tax issue in the prior audit determination that
12	the department reasonably relied on in making the prior audit determination or if

## 2017 - 2018 Legislature

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the tax issue was settled in the prior audit determination by a written agreement between the department and the taxpayer in which the parties expressly acknowledged that, at the time the agreement was executed, the department did not concede that the taxpayer was not liable as a result of the tax issue.".

(END)

## 2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

## INSERT 1-8



LRBa0586/P2 KRP:emw

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 259

1	At the locations indicated, amend the bill as follows:
2	<b>1.</b> Page 3, line 6: delete the material beginning with "elear" and ending with
3	" <u>of the</u> " on line 7 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
4	${f 2.}$ Page 3, line 14: delete the material beginning with " <del>clear</del> " and ending with
5	" <u>of the</u> " on line 15 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
6	<b>3.</b> Page 4, line 1: delete the material beginning with "clear" and ending with
7	"of the" on line 2 and substitute "clear and convincing satisfactory".
8	4. Page 4, line 13: delete "This subsection" and substitute "This subsection
9	Paragraph (a)".
10	<b>5.</b> Page 4, line 23: after that line insert:
11	"SECTION 7m. 73.16 (3) (c) of the statutes is created to read:

2017 - 2018 Legislature

1 73.16(3)(c) Paragraph (a) does not apply to any period associated with an audit  $\mathbf{2}$ determination if any of the following applies:

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1. The department establishes by clear and satisfactory evidence that the taxpayer provided incomplete or false information relevant to the tax issue in the 4  $\mathbf{5}$ prior audit determination.

6 2. The tax issue was settled in the prior audit determination by a written  $\mathbf{7}$ agreement between the department and the taxpayer that was entered into before 8 January 1, 2018.

9 3. The tax issue was settled in the prior audit determination by a written 10 agreement between the department and the taxpayer that was entered into on or 11 after January 1, 2018, and in which the parties acknowledged that the department did not concede that the taxpayer was not liable as a result of the tax issue.". 12

6. Page 5, line 15: delete lines 15 and 16 and substitute:

"(3) RELIANCE ON PAST AUDITS. The treatment of section 73.16 (3) (b) and (c) of 14 15the statutes first applies to an audit determination issued on January 1, 2018, 16 regardless of when a prior audit determination was issued.".

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(END)

#### Pleviak, Krista

From: Sent: To: Cc: Subject: Krueger, Nick Tuesday, January 09, 2018 4:31 PM Pleviak, Krista Trendel, Storm New substitute amendment for AB 259

Hi Krista,

Please work up a P-draft/substitute amendment for AB 259 that does the following:

 AB 259 would have changed the evidentiary standard for proving economic substance from "clear and convincing" to "preponderance of the evidence." In the new sub amendment, please make the standard "clear and satisfactory" evidence. (A long time ago, you drafted LRBa0586/P1 for us, which included the new "clear and satisfactory" standard that we're asking for again.)

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- 2) Page 4, line 19: delete lines 19 to 23 and substitute "(a) 1. This subsection does not apply to any period associated with an audit determination if the taxpayer did not give gave the department employee adequate and accurate false information regarding materially relevant to the tax issue in the prior audit determination that the department reasonably relied on in making the prior audit determination or if the tax issue was settled in the prior audit determination by a written agreement between the department and the taxpayer in which the parties expressly acknowledged that, at the time the agreement was executed, the department did not adopt the tax payer's position on the tax issue."
- [Note: this is very nearly identical to a suggestion you offered us some time ago to say "did not adopt or accept the taxpayer's position." DOR's verbatim response to your suggestion was: We like [this alternative], with a slight modification. We prefer to omit "or accept" because any settlement might be characterized as acceptance, full or partial, of a taxpayer's position. Adoption is an affirmative act generally. Do you have any objection/reaction to that logic?]

Be advised that we are advancing these two provisions because we are assured by DOR that these two solutions (above) result in zero fiscal impact to the state.

In this substitute amendment, please delete the parts of AB 259 that would have (1) federalized the recognition period for the built-in gains tax and (2) withdrawn Wisconsin's participation in the Multistate Tax Commission audit program. We will not be advancing these ideas at this time.

Thank you so much for your hard work for Rep. Katsma lately—you've been so helpful even though we've thrown so much at you!

#### Nick Krueger

Office of Representative Terry Katsma Wisconsin State Assembly Room 208 North, State Capitol P.O. Box 8952 Madison, WI 53708 (608) 266-0656 (office) <u>www.repkatsma.com</u> Like us on Facebook at <u>https://www.facebook.com/repkatsma</u>



M: 01/11/18 DUE: 01/12/18 (Fri.) LRBa0586/P1

KRP:emw

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

## ASSEMBLY AMENDMENT,

**TO ASSEMBLY BILL 259** 

INSEA At the locations indicated, amend the bill as follows: 1 JSE PT **1.** Page 3, line 6: delete the material beginning with "clear" and ending with  $\mathbf{2}$ 3 "of the" on line 7 and substitute "clear and convincing satisfactory". **2.** Page 3, line 14: delete the material beginning with "clear" and ending with 4 "of the" on line 15 and substitute "clear and convincing satisfactory".  $\mathbf{5}$ 6 **3.** Page 4, line 1: delete the material beginning with "clear" and ending with "of the" on line 2 and substitute "clear and <del>convincing</del> satisfactory". 7 INSERT 1-8 8 **4.** Page 4, line 19: delete lines 19 to 23 and substitute "(a) 1. This subsection 9 does not apply to any period associated with an audit determination if the taxpayer 10 did not give gave the department employee adequate and accurate false information 11 regarding materially relevant to the tax issue in the prior audit determination that 12 the department reasonably relied on in making the prior audit determination or if

## 2017 - 2018 Legislature



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the tax issue was settled in the prior audit determination by a written agreement between the department and the taxpayer <u>in which the parties expressly</u> <u>acknowledged that, at the time the agreement was executed, the department did not</u> <u>concede that the taxpayer was not liable as a result of the tax issue.</u>".

(END)

adopt the taxpayer's position on

#### 2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

#### INSERT 1-2

**1.** Page 3, line 1: delete that line.

#### (END INSERT 1-2)

#### INSERT 1-8

 $\mathbf{J}$  **2.** Page 4, line 5: delete lines 5 to 11.

#### (END INSERT 1-8)

#### INSERT 2-5

3  $\sqrt{3}$ . Page 4, line 24: delete the material beginning with that line and ending with 4 mars 5 line 4

4 page 5, line 4.

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 $\mathbf{J4.}$  Page 5, line 12: delete lines 12 to 14.

6  $\sqrt{5}$ . Page 5, line 17: delete lines 17 to 20.

(END INSERT 2-5)

#### 2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

**1.** Page 1, line 3: delete the material beginning with "the length" and ending with "tax;".

2. Page 1, line 4: delete the material beginning with "substance;" and ending with "Program;" on line 6 and substitute "substance".

#### Pleviak, Krista

From: Sent: To: Subject: Krueger, Nick Thursday, January 18, 2018 10:11 AM Pleviak, Krista LRBa0586 (amendment for AB 259)

Hi Krista,

You recently prepared LRBa0586/P3 at my request. I failed to include in my P3 request some of the language from the P2 draft that we want to keep.

On the subject of reliance on past audits: we want to use practically all the language that was used in the P2 draft. In other words (I think... sigh), please take all of the language beginning on page 1, line 8 of the P2 draft, all the way to the end of the P2 draft, and use it to replace the language in the P3 draft, page 2, lines 4-12.

The one exception—the one part of this issue that I did accurately convey to you in P3—is that we like the words "...department did not adopt the taxpayer's position on the tax issue." Please keep that phrase.

Everything else in P3 looks good—I believe all stakeholders are satisfied with the deletion of the built-in gains tax language, the deletion of the Multistate Tax Commission/audit program language, and the change of "clear and convincing" to "clear and satisfactory."

I'm so sorry for the confusion; I, the middleman, am solely responsible this time. Thanks as always for your work!

#### Nick Krueger

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TODAY (if possible)

 $\rho q$ LRBa0586(P3 KRP:emw

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

# ASSEMBLY AMENDMENT,

## **TO ASSEMBLY BILL 259**

1	At the locations indicated, amend the bill as follows:
<b>2</b>	${f 1.}$ Page 1, line 3: delete the material beginning with "the length" and ending
3	with "tax;".
4	${f 2.}$ Page 1, line 4: delete the material beginning with "substance;" and ending
5	with "Program;" on line 6 and substitute "substance".
6	<b>3.</b> Page 3, line 1: delete that line.
7	<b>4.</b> Page 3, line 6: delete the material beginning with " <del>clear</del> " and ending with
8	" <u>of the</u> " on line 7 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
9	<b>5.</b> Page 3, line 14: delete the material beginning with "clear" and ending with
10	"of the" on line 15 and substitute "clear and convincing satisfactory".

**6.** Page 4, line 1: delete the material beginning with "clear" and ending with 1  $\mathbf{2}$ "of the" on line 2 and substitute "clear and convincing satisfactory". **7.** Page 4, line 5: delete lines 5 to 11. 3 8. Page 4, line 19: delete lines 19 to 23 and substitute "(a) 1. This subsection does not apply to any period associated with an audit determination if the taxpayer  $\mathbf{5}$ 6 did not give gave the department employee adequate and accurate false information  $\mathbf{7}$ regarding materially relevant to the tax issue in the prior audit determination that 8 the department reasonably relied on in making the prior audit determination or if 9 the tax issue was settled in the prior audit determination by a written agreement 10 between the department and the taxpayer in which the parties expressly 11 acknowledged that, at the time the agreement was executed, the department did not 12adopt the taxpayer's position on the tax issue.". 9. Page 4, line 24: delete the material beginning with that line and ending with 13  $\mathbf{14}$ page 5, line 4.

**10.** Page 5, line 12: delete lines 12 to 14.

**11.** Page 5, line 17: delete lines 17 to 20.

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(END)



	T	At the locations indicated, amend the bill as follows:
	2	1. Page 3, line 6: delete the material beginning with " <del>clear</del> " and ending with
	3	"of the" on line 7 and substitute "clear and <del>convincing</del> <u>satisfactory</u> ".
	4	<b>2.</b> Page 3, line 14: delete the material beginning with " <del>clear</del> " and ending with
	5	"of the" on line 15 and substitute "clear and convincing satisfactory".
	6	<b>3.</b> Page 4, line 1: delete the material beginning with " <del>clear</del> " and ending with
	V	"of the" on line 2 and substitute "clear and convincing satisfactory".
BEGIN	8	4. Page 4, line 13: delete "This subsection" and substitute "This subsection
BEGIN INSERT	9	<u>Paragraph (a)</u> ".
2-4	10	<b>5.</b> Page 4, line 23: after that line insert:
	11	"SECTION 7m. 73.16 (3) (c) of the statutes is created to read:

17	(END)
16	regardless of when a prior audit determination was issued.". $(1)^{3E}$
15	the statutes first applies to an audit determination issued on January 1, 2018, $\left( \mathcal{F}_{\mathcal{F}}^{JD} \right)$
2-16 14	"(3) RELIANCE ON PAST AUDITS. The treatment of section 73.16 (3) (b) and (c) of
BEBIN 13	<b>6.</b> Page 5, line 15: delete lines 15 and 16 and substitute:
(12)	did not concede that the taxpayer was not liable as a result of the tax issue.".
11	after January 1, 2018, and in which the parties acknowledged that the department
10	agreement between the department and the taxpayer that was entered into on or $\sqrt{1}$
9	3. The tax issue was settled in the prior audit determination by a written
8	January 1, 2018. adopt the toxpayer's position on
7	agreement between the department and the taxpayer that was entered into before
6	2. The tax issue was settled in the prior audit determination by a written
5	prior audit determination.
4	taxpayer provided incomplete or false information relevant to the tax issue in the
3	1. The department establishes by clear and satisfactory evidence that the
2	determination if any of the following applies:
1	73.16(3) (c) Paragraph (a) does not apply to any period associated with an audit

#### Pleviak, Krista

From: Sent: To: Subject: Krueger, Nick Monday, January 22, 2018 1:57 PM Pleviak, Krista RE: Draft review: LRB a0586/P4

Yes please!

From: Pleviak, Krista Sent: Monday, January 22, 2018 1:54 PM. To: Krueger, Nick <Nick.Krueger@legis.wisconsin.gov> Subject: RE: Draft review: LRB a0586/P4

Do you also want to change the dates on page 2, lines 15 and 18 of the amendment?

#### Krista R. Pleviak

Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 266 - 7290 <u>krista.pleviak@legis.wisconsin.gov</u>

From: Krueger, Nick Sent: Monday, January 22, 2018 1:25 PM To: Pleviak, Krista <<u>Krista.Pleviak@legis.wisconsin.gov</u>> Subject: RE: Draft review: LRB a0586/P4

Hi Krista,

Just one last change! I mean it this time!

In this P4 amendment, January 1, 2018 is the effective date of the provisions related to reliance on past audits. Let's change that please from 1/1/2018 to the effective date of the bill.

After making that change, please jacket this amendment for introduction.

Thanks!

#### Nick Krueger

Office of Representative Terry Katsma Wisconsin State Assembly Room 208 North, State Capitol P.O. Box 8952 Madison, WI 53708 (608) 266-0656 (office)



TOOA)

LRBa0586/24 KRP:emw

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# **PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

## ASSEMBLY AMENDMENT,

## **TO ASSEMBLY BILL 259**

HAPPUBES

At the locations indicated, amend the bill as follows:

**1.** Page 1, line 3: delete the material beginning with "the length" and ending with "tax;".

4 2. Page 1, line 4: delete the material beginning with "substance;" and ending
5 with "Program;" on line 6 and substitute "substance".

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**3.** Page 3, line 1: delete that line.

Page 3, line 6: delete the material beginning with "clear" and ending with
"of the" on line 7 and substitute "clear and convincing satisfactory".

9 5. Page 3, line 14: delete the material beginning with "elear" and ending with
10 "of the" on line 15 and substitute "clear and convincing satisfactory".

2017 -	2018	Legislature
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LRBa0586/P4 KRP:emw

1	<b>6.</b> Page 4, line 1: delete the material beginning with " <del>clear</del> " and ending with	,
2	"of the" on line 2 and substitute "clear and convincing satisfactory".	
3	7. Page 4, line 5: delete lines 5 to 11.	
4	8. Page 4, line 13: delete "This subsection" and substitute " <del>This subsection</del>	
5	<u>Paragraph (a)</u> ".	$\bigcap$
6	<b>9.</b> Page 4, line 23: after that line insert:	N.S.
7	"SECTION 7m. 73.16 (3) (c) of the statutes is created to read:	: Huis subdivision
8	73.16 (3) (c) Paragraph (a) does not apply to any period associated with an audit	See
9	determination if any of the following applies:	18:3
10	1. The department establishes by clear and satisfactory evidence that the	24
11	taxpayer provided incomplete or false information relevant to the tax issue in the	te se
12	prior audit determination.	five date
13	2. The tax issue was settled in the prior audit determination by a written	1 5 2
14	agreement between the department and the taxpayer that was entered into before	CLE
	January 1, 2018.	14
16	3. The tax issue was settled in the prior audit determination by a written	
17	agreement between the department and the taxpayer that was entered into on or	
(18)	after January 1, 2018, and in which the parties acknowledged that the department	
19	did not adopt the taxpayer's position on the tax issue.".	
20	10. Page 4, line 24: delete the material beginning with that line and ending	
21	with page 5, line 4.	
22	<b>11.</b> Page 5, line 12: delete lines 12 to 14.	
23	<b>12.</b> Page 5, line 15: delete lines 15 and 16 and substitute:	

- 2 -

2017 - 2018 Legislature

1	"(2) RELIANCE ON PAST AUDITS. The treatment of section 73.16 (3) (b) and (c) of
2	the statutes first applies to an audit determination issued on January 1, 2018,
3	regardless of when a prior audit determination was issued.".
4	<b>13.</b> Page 5, line 17: delete lines 17 to 20.
5	(END)

the effective date of this subsection

#### Barman, Mike

From:	Tappen, Gail A - DOA
Sent:	Monday, January 29, 2018 2:30 PM
То:	Barman, Mike
Subject:	FW: Request for Updated Fiscal

Here's another one from Speaker Vos' office. Cheers

From: Fabick, Abbey - LEGIS [mailto:Abbey.Fabick@legis.wisconsin.gov]
Sent: Monday, January 29, 2018 2:29 PM
To: Tappen, Gail A - DOA <GailA.Tappen@wisconsin.gov>
Cc: Rep.Katsma - LEGIS <Rep.Katsma@legis.wisconsin.gov>; Krueger, Nick - LEGIS
<Nick.Krueger@legis.wisconsin.gov>
Subject: Request for Updated Fiscal

Hello Gail,

Our office would like to request an updated fiscal on <u>AB 259</u>, 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.

The bill author introduced an amendment on 1/23/18 that we would like to be reflected in an updated fiscal.

Please let me know if you have any questions.

Thank you!

Abbey Fabick Office of Assembly Speaker Robin Vos 217 West, State Capitol P.O. Box 8953 Madison, WI 53708 <u>608-266-3387</u> <u>1-888-534-0063</u> Abbey,Fabick@legis.wisconsin.gov

| Agency Info



## **ACTIVE**

 LRB Number:
 17a0586/1

 Introduction Number:
 AA1-AB259

 Comment:
 "Supplemental" FE requested by Speaker's Office ... Joint Rule 41 (3)(b)

 Request Date:
 1/29/2018 2:38:12 PM

 Description:
 Example and the second se

Subject:

PUBLIC DRAFT/BILL and Assignments

#### Edit the Request

#### **Draft/Bill: Not attached**

Wisconsin Department of Administration

101 East Wilson Street

Madison, WI 53702