

CHAPTER 114

AN ACT to amend 71.14 (1) (a), (b) and (c), (2a) (a), (b) and (c) and (3) and (6) (a) to (c); and to create 71.14 (1) (d) and (2a) (d) of the statutes, relating to time for adjustment of apportionment of income taxes to municipalities and counties.

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

SECTION 1. 71.14 (1) (a), (b) and (c) of the statutes are amended to read:

71.14 (1) (a) On May 15, 1963, such apportionable collections for the period October 1, 1962, to March 31, 1963, shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the November 15, 1962, distribution of apportionable collections from persons other than corporations. On May 31, 1964, and on every May 31 thereafter, 1965, such apportionable collections for the period November 1 of the preceding year to March 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of November 30 of the preceding year as determined under par. (c) 2. *On May 31, 1966, and on every May 31 thereafter, such apportionable collections for the period November 1 of the preceding year to March 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of September 30 of the preceding year as determined under par. (b) 2.*

(b) 1. On August 15, 1963, such apportionable collections for the period April 1, 1963, to June 30, 1963, shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the November 15, 1962, distribution of apportionable collections from persons other than corporations. On September 30, 1964, and on every September 30 thereafter, such apportionable collections for the period April 1 to July 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of November 30 of the preceding year as determined under par. (c) 2.

2. *On September 30, 1965, and on every September 30 thereafter, such apportionable collections for the period November 1 of the preceding year to July 31 of the current year shall be allocated to each county, town, village and city in proportion to the amounts attributed to each under subd. 3 to the total of such amounts for all counties, towns, villages and cities; and the amounts thus allocated to each county, town, village and city, less the amount apportioned to it on the preceding May 31, shall be apportioned to it as its September 30 apportionment.*

3. *On or before September 30, 1965, and every September 30 thereafter, the department shall determine the total income taxes (before credit for taxes withheld, credit for taxes paid pursuant to declaration, homestead tax relief credit, and tax credits for income taxes paid to other states) shown on income tax returns of persons other than corporations for the preceding income year and filed on or before June 30 of the current year. The portion of such taxes attributable to each town, village and city shall be determined on the basis of situs of the income producing such taxes, as set forth in s. 71.07. The amount thus determined for each town, village and city shall be reduced by one-sixth and such one-sixth amount*

*shall be attributed to the county of the situs of such income, as set forth in s. 71.07.*

(c) On November 30, 1963, and on ~~every~~ November 30 thereafter, 1964, there shall be apportioned to each county, town, village and city the amount allocable to each under subd. 2, reduced by the amounts paid to each in apportionments of the current year under pars. (a) and (b).

1. On or before November 30, 1963, and ~~every~~ November 30, ~~thereafter~~ 1964, the department shall determine the total income taxes (before credit for taxes withheld, credit for taxes paid pursuant to declaration, and tax credits for income taxes paid to other states) shown on income tax returns of persons other than corporations for the preceding income year and filed on or before June 30 of the current year. The portion of such taxes attributable to each town, village and city shall be determined on the basis of situs of the income producing such taxes, as set forth in s. 71.07. The amount thus determined for each town, village and city shall be reduced by one-sixth and such one-sixth amount shall be attributed to the county of the situs of such income, as set forth in s. 71.07.

2. The apportionable collections for the period October 1, 1962, to June 30, 1963, for the period July 1, 1963, to October 31, 1963, *and* for the period November 1, 1963, to October 31, 1964, ~~and for the annual periods November 1 to October 31 thereafter,~~ shall be allocated on or before the following November 30 to each county, town, village and city, in proportion to the amounts attributed to each under subd. 1 to the total of such amounts for all counties, towns, villages and cities and shall constitute its annual allocable share.

SECTION 2. 71.14 (1) (d) of the statutes is created to read:

71.14 (1) (d) On November 30, 1965, and on every November 30 thereafter, such apportionable collections for the period August 1 to October 31 of the current year shall be apportioned to each county, town, village and city in proportion to the amounts attributed to each under par. (b) 3 to the total of such amounts for all counties, towns, villages and cities.

SECTION 3. 71.14 (2a) (a), (b) and (c) of the statutes are amended to read:

71.14 (2a) (a) On May 31, 1964, and on ~~every~~ May 31 thereafter, 1965, such apportionable collections for the period November 1 of the preceding year to March 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of November 30 of the preceding year, as determined under par. (c). *On May 31, 1966, and on every May 31 thereafter, such apportionable collections for the period November 1 of the preceding year to March 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of September 30 of the preceding year as determined under par. (b) 2.*

(b) 1. On September 30, 1964, ~~and on every~~ September 30 thereafter, such apportionable collections for the period April 1 to July 31 of the current year shall be apportioned to each county, town, village and city on the basis of the percentage of its allocable share in the total allocable shares as of November 30 of the preceding year, as determined under par. (c).

2. *On September 30, 1965, and on every September 30 thereafter, such apportionable collections for the period November 1 of the preceding year to July 31 of the current year shall be allocated to each county, town, village and city in proportion to the amounts attributed to each under subd. 3 to the total of such amounts for all counties, towns, villages and cities;*

and the amounts thus allocated to each county, town, village and city, less the amount apportioned to it on the preceding May 31, shall be apportioned to it as its September 30 apportionment.

3. On or before September 30, 1965, and every September 30 thereafter, the department shall determine the total income taxes (before credit for taxes paid pursuant to declaration) shown on income tax returns of corporations for the preceding income year and filed on or before June 30 of the current year. The portion of such taxes attributable to each town, village and city shall be determined on the basis of situs of the income producing such taxes, as set forth in s. 71.07. The amount thus determined for each town, village and city shall be reduced by one-sixth and such one-sixth amount shall be attributed to the county of the situs of such income, as set forth in s. 71.07.

(c) On November 30, 1963, there shall be apportioned to each county, town, village and city the amount of apportionable corporation income tax collections for the period July 1, 1963, to October 31, 1963, and allocable to each under subd. 2. On November 30, 1964, and on every November 30 thereafter, there shall be apportioned to each county, town, village and city the amount allocable to each under subd. 2, reduced by the amounts paid to each in the May 31 and September 30 apportionments of the current year.

1. On or before November 30, 1963, and every November 30 thereafter, 1964, the department shall determine the total income taxes (before credit for taxes paid pursuant to declaration) shown on income tax returns of corporations for the preceding income year and filed on or before June 30 of the current year. The portion of such tax attributable to each town, village and city shall be determined on the basis of situs of the income producing such taxes, as set forth in s. 71.07. The amount thus determined for each town, village and city shall be reduced by one-sixth and such one-sixth amount shall be attributed to the county of the situs of such income, as set forth in s. 71.07.

2. The apportionable collections for the period July 1, 1963, to October 31, 1963, and the apportionable collections for the period November 1, 1963, to October 31, 1964, and the apportionable collections for each annual November 1 to October 31 period thereafter, shall be allocated on or before the following November 30 to each county, town, village and city in proportion to the amounts attributed to each under subd. 1 to the total of such amounts for all counties, towns, villages and cities, and shall constitute its annual allocable share.

SECTION 4. 71.14 (2a) (d) of the statutes is created to read:

71.14 (2a) (d) On November 30, 1965, and on every November 30 thereafter, such apportionable collections for the period August 1 to October 31 of the current year shall be apportioned to each county, town, village and city in proportion to the amounts attributed to each under par. (b) 3 to the total of such amounts for all counties, towns, villages and cities.

SECTION 5. 71.14 (3) and (6) (a) to (c) of the statutes are amended to read:

71.14 (3) Whenever income has been attributed to an erroneous situs under sub. (1) (b) 3, (c) 1, (2) (a), (2a) (b) 3, (c) 1 or their predecessor income tax allocation statute, such portion of the tax collections allocated erroneously shall be paid by the county, town, village or city erroneously receiving the same, to the county, town, village or city entitled thereto; but no such payment shall be made except on the written approval of the department of taxation. Such claim must be made within 3 years of the claimed erroneous allocation, except that claims for erroneous allo-

cation of taxes of persons other than corporations collected during the periods July 1, 1961, to September 30, 1962, and October 1, 1962, to October 31, 1963, may be made within 4 years of November 15, 1962, and November 30, 1963, respectively; and except that claims for erroneous allocation of corporate income taxes collected during the periods July 1, 1961, to September 30, 1962, and October 1, 1962, to October 31, 1963, may be made within 4 years of November 15, 1962, and November 30, 1963, respectively; and except that claims for erroneous allocation of taxes of corporations and persons other than corporations during the period July 1, 1959, to June 30, 1961, may be made within 5 years of erroneous August 15 allocations and within 5 years of the following August 15 in the case of erroneous May 15 allocations. If the amount of the claim is approved by the department and not paid by the county, town, village or city erroneously receiving it, such amount shall be deducted from its next apportionment, or next apportionments and paid to the county, town, village or city entitled thereto.

(6) (a) Whenever an erroneous *September or November* allocation has been made under sub. (1) (b), (c) ~~or~~ (d), (2a) (b), (c) or (d) as a result of omission of an income tax liability from the numerator of the allocation ratio of a particular county, town, village or city and also from the denominator of the allocation ratios of all counties, towns, villages and cities, the amount so omitted shall be added to the numerator of the allocation ratio of the particular county, town, village or city and to the denominator of the allocation ratios of all counties, towns, villages and cities in making the *September or November* allocation next succeeding the discovery of such omission.

(b) Whenever an erroneous *September or November* allocation has been made under sub. (1) (b), (c) ~~or~~ (d), (2a) (b), (c) or (d) as a result of overstating an income tax liability in the numerator of the allocation ratio of a particular county, town, village or city and also in the denominator of the allocation ratios of all counties, towns, villages and cities, the amount so overstated shall be subtracted from the numerator of the allocation ratio of the particular county, town, village or city and from the denominator of the allocation ratios of all counties, towns, villages and cities in making the *September or November* allocation next succeeding the discovery of such overstatement. If the numerator of the next succeeding allocation ratio of the particular county, town, village or city, prior to deducting the overstatement, is less than the amount so overstated, the excess overstatement shall be corrected in the same manner in subsequent *September or November* allocations, except that, if the overstatement to a particular county, town, village or city is in an amount which in the opinion of the commissioner of taxation cannot be corrected in the 3 *September or November* allocations next succeeding the discovery of the overstatement, the commissioner of taxation may make written demand upon such county, town, village or city for the return of income taxes erroneously distributed to it as a result of such overstatement, and the amounts so recovered shall be added to the amount of income taxes apportioned to counties, towns, villages and cities in the next succeeding ~~November~~ *September* apportionment.

(c) Whenever the department of taxation discovers an erroneous *September or November* allocation resulting from omissions or overstatements referred to in par. (a) or (b), prior to making the apportionments of the following year under sub. (1) (a), ~~(1)~~ (b), (2a) (a) or ~~(2a)~~ (b), the apportionment amounts determined thereunder may be adjusted by the department of taxation so as near as possible to obtain apportionments which will correct for the said omissions or overstatements.

Approved June 22, 1965.