

No. 771, A.]

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CHAPTER 478.

AN ACT to provide for the taxation of railroad companies in the place and instead of unpaid license fees.

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

Reassessment authorized when license fee unpaid. SECTION
1. If the state shall fail to recover the license fees or any part thereof due it from any railroad corporation for any given year or years for which suit has been or may be commenced, by reason of the statute of limitations, where such license fees are due on the gross earnings of any such railroad which have been fraudulently concealed or withheld by it in making its report of such gross earnings, or by reason of the laws imposing such license fees being unconstitutional for any reason, then in either event the state board of assessment shall ascertain and assess against the property of any railroad corporation so in default the amount of license fees justly due the state for each such year. For the purpose of ascertaining the gross earnings of any railroad corporation in any particular year, the state board of assessment shall have all the power and authority given it by the provisions of chapter 315 of the laws of 1903 and acts amendatory thereto and thereof, so far as the same may be necessary to make such assessment and this act effective, and shall so far as practicable follow the practice, rules and regulations prescribed in said acts in making up such assessment. It is the purpose and intent of this act to secure to the state the payment of the full amount of taxes due to it as license fees upon the gross earnings of any such railroad corporation at the rate at which such license fee should have been paid in the year in which any default occurred. Before finally determining the amount due from any railroad corporation in any particular year, the state board of assessment shall give reasonable notice of a hearing before it to such railroad corporation of the time and place when it will determine the amount of the taxes for which such railroad corporation may be liable under the provisions of this act.

Suit to recover authorized. SECTION 2. No suit shall be brought to restrain or enjoin the collection of any tax assessed and levied under the provisions of this act. Any corporation aggrieved by the payment of any money to the state by virtue of this act may maintain a suit for the recovery thereof in the circuit court for Dane county within six months from the time of the payment thereof.

In case of the failure of any railroad corporation to pay the taxes levied against it under the provisions of this act, it shall be the duty of the attorney-general to institute a suit in the circuit court for Dane county for the collection thereof.

Taxes, when due. SECTION 3. The taxes levied under the provisions of this act shall be considered due and payable thirty days after notice of such levy from the state treasurer, and shall draw interest after due at the rate of fifteen per centum per annum.

Moneys, how applied. SECTION 4. All taxes collected under the provisions of this act shall be paid into the general fund of the state treasury, and are hereby appropriated towards the payment of the general expenses of the state and of the general expenses of the several state institutions and such other appropriations as may be made by the legislature.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.