

No. 30, A.]

[Published May 31, 1949.]

CHAPTER 180.

AN ACT to amend 71.12 (6) and 71.14 (1), (2) and (7) of the statutes, relating to distribution of revenue from the income tax.

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

SECTION 1. 71.12 (6) of the statutes is amended to read:

71.12 (6) Any person who shall contest an assessment before the board of tax appeals or in court shall state in his petition or notice of appeal what portion if any of the tax is admitted to be legally assessable and correct. Within 5 days after notice by the department the appellant shall pay to the department of taxation the whole amount of the admitted tax and such tax shall be * * * *apportioned* as provided in section 71.14 at the next * * * settlement provided by section 71.14 (1). Any such payment shall be considered an admission of the legality of the tax thus paid, and such tax so paid cannot be recovered in the pending appeal or in any other action or proceeding.

SECTION 2. 71.14 (1), (2) and (7) of the statutes are amended to read:

71.14 (1) Upon the * * * *fifteenth* day of * * * *August, 1949* the state treasurer shall * * * pay * * * to the county and local treasurers, *upon certification by the department of taxation, the net amount of normal income taxes collected in the period from the date of the last distribution to June 30, 1949, inclusive, and apportionable to counties, towns, villages and cities in the manner provided by this section. For the year 1950 and annually thereafter the state treasurer shall, upon certification by the department of taxation, pay to county and local treasurers the net amounts of normal income taxes apportionable to counties, towns, villages and cities in accordance with this section as follows: upon the fifteenth day of May 80 per cent of the apportionable net amount collected during the period beginning July 1 of the preceding year to and including March 31, of the current year; and upon the fifteenth day of August the apportionable net amount collected during the period from April 1 to June 30, inclusive, of the current year, plus the undistributed 20 per cent of the apportionable net amount collected during the period beginning July 1 of the preceding year to and including March 31 of the current year. Upon request of a municipality, the department of taxation may make*

an additional distribution on December 15, 1949 and annually on such date thereafter, to those municipalities where prior allotments by the department during the calendar year have not refunded 80 per cent of the amount due such municipality out of the current year's payments.

(2) Annually, beginning July 1, * * * out of the * * * normal income * * * tax collections of the preceding fiscal year, there shall be set aside the amount of the appropriation made by section 20.09 (4) for the current fiscal year, and the amount of that portion of the appropriation made by section 20.27 for the current fiscal year which is chargeable to the normal income tax. The * * * aggregate of the aforesaid amounts shall be borne by the state, the counties, and the towns, cities and villages in the proportion that * * * the net normal income tax collections for the preceding fiscal year are allocated to the state and to each such political subdivision pursuant to the provisions of this section. * * * The remainder of * * * the net normal income tax collections shall be * * * apportioned as follows, to wit: 40 per cent to the state, 10 per cent to the county, and the balance to the town, city or village from which the income was derived as provided in section 71.14 (6), except that when * * * in any calendar year the amount apportionable to any town, city or village exceeds 2 per cent of the equalized value of all taxable property in such town, city or village * * * as established in November of the next preceding year under section 70.61, such excess shall be apportioned and paid to the county to be distributed and paid to all of the several towns, cities and villages of the county, according to the school population therein. If, subsequent to January 1, 1937, there shall be paid over to any town, city or village in any calendar year any amount in excess of 2 per cent of the equalized value of all taxable property therein for the preceding year, such excess payment shall be recoverable by the county. The 2 per cent limitation above mentioned shall revert to one per cent of the equalized value of all taxable property in such town, city or village for the preceding year under section 70.61 * * * for the second annual distribution of normal income taxes following the termination of the present war as proclaimed by the President or the Congress.

(7) Whenever any county, city, town or village shall have received in final settlement a portion of an income tax that under the income tax law ought not to have been received by such county, city, town or village, but by the provisions of the income tax law should have been received by another county, town, city or village, such portion of the tax shall be paid by the county, town, city or village erroneously receiving the same to the county, town, city or village entitled thereto; provided, however, that no such payment shall be made except on the written approval of the assessor of incomes who made the assessment, or of the department of taxation in the case of assessments made by it, specifying the reasons for such payment, and provided further that a claim for such tax shall have been made within 3 years after the receipt of the tax. The return of any such overpayment, to any county, city, town or village to another county, city, town or village entitled thereto, in the event that such overpayment has not been settled or paid voluntarily by any such county, city, town or village, shall be effected by the department of taxation by withholding the amount of overpayment from the * * * apportionment of income taxes next following the allowance of the adjustment, to the county, city, town or village which has received the overpayment. In the event that after the initial withholding there is still a balance due, then the department of taxation shall withhold all or a part of the * * * balance due on each succeeding * * * apportionment until the balance of the overpayment has been adjusted. The amounts thus withheld shall be credited in the apportionment to the county, city, town or village which did not receive its full amount of income taxes in the said previous distributions.

Approved May 26, 1949.