

No. 1, A.]

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CHAPTER 3

AN ACT to amend 71.10, (2), (3) (a), (7), (9) (a), (b) and (c), and (10) (b), 71.11 (3), (21) (b), 71.14 (1) and (7); and to create 71.10 (9) (am) and (bm) 71.11 (21) (bm) and 71.15 (5) of the statutes, relating to the state income tax; date for filing returns by persons other than corporations, filing inventory information and distribution of normal income tax revenues.

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

SECTION 1. 71.10 (2), (3) (a), (7) and (9) (a) of the statutes are amended to read:

71.10 (2) Every person other than a corporation, having for the calendar year a gross income of \$600 or more and every married person receiving any net income during the year when the combined net incomes of such married person and his or her spouse is \$1,400 or more shall report the same on or before * * * *April* 15 following the close of such year (or when such person's fiscal year is other than the calendar year, then on or before the fifteenth day of the * * * *fourth* month following the close of such fiscal year) to the assessor of incomes, in the manner and form prescribed by the department of taxation, whether notified to do so or not, and shall be subject to the same penalties for failure to report as those who receive notice. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer. Nothing contained in this subsection shall preclude the assessor of incomes from requiring any person other than a corporation to file an income tax return when in the judgment of the assessor of incomes a return should be filed.

(3) (a) Every partnership shall furnish to the assessor of incomes a true and accurate statement, on or before * * * *April* 15 of each year, except that returns for fiscal years ending on some other date than December 31, shall be furnished * * * *on or before the fifteenth day of the fourth month following the close of such fiscal year*, in such manner and form and setting forth such facts as the department of taxation shall deem necessary to enforce the provisions of this chapter. Such statement shall be subscribed by one of the members of said partnership.

(7) Each person, firm or corporation except farmers and wholesalers subject to s. 78.66 required under this chapter to file a return of income in which inventories are a factor shall *on or before the due date of his income tax return* file for each taxing district on a form to be provided by the department of taxation the following information: (a) the inventory at the beginning and at the end of the fiscal year; (b) the total of merchandise purchased during the year; and (c) the total sales during the year. Failure of any person to file the information required by this subsection shall be deemed a failure to file a return and subject such person to the penalties provided in s. 71.11 (40) and in addition such person shall be denied any right of abatement by the board of review on account of the assessment of such personal property unless such person, firm or corporation shall make such return to such board of review together with a statement of the reasons for the failure to make and file the return in the manner and form required by this section. Such information shall be forwarded by the department * * * to the assessor in the local taxation district concerned *within 45 days after the statutory filing date for corporate returns and 30 days after the statutory filing date for noncorporate returns*.

(9) (a) With respect to the payment of taxes on income of the calendar year 1953 and corresponding fiscal years, and thereafter, the initial payment of taxes on incomes of * * * *corporations* who file on a calendar year basis shall be paid on or before March 15 following the close of the calendar year. Such initial payment shall be in the amount equal to at least one-third the total tax, and shall not be less than \$20 if the total tax exceeds \$20, nor less than the total amount of the tax if the same does not exceed \$20. The balance of such tax shall be paid on or before August 1 following the close of the calendar year.

SECTION 2. 71.10 (9) (am) of the statutes is created to read:

71.10 (9) (am) With respect to the payment of taxes on income of the calendar year 1954 and corresponding fiscal years, and thereafter, the initial payment of taxes on incomes of persons other than corporations who file on a calendar year basis shall be paid on or before April 15 following the close of the calendar year. Such initial payment shall be in the amount equal to at least one-third the total tax, and shall not be less than \$20 if the total tax exceeds \$20, nor less than the total amount of the tax if the same does not exceed \$20. The balance of such tax shall be paid on or before August 1 following the close of the calendar year.

SECTION 3. 71.10 (9) (b) of the statutes is amended to read:

71.10 (9) (b) If the return of a corporation is made on the basis of a fiscal year such initial payment shall be paid on or before the fifteenth day of the third month following the close of such fiscal year. The balance shall be paid on or before the first day of the eighth month following the close of such fiscal year.

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SECTION 4. 71.10 (9) (bm) of the statutes is created to read:

71.10 (9) (bm) If the return of a person other than a corporation is made on the basis of a fiscal year such initial payment shall be paid on or before the fifteenth day of the fourth month following the close of such fiscal year. The balance shall be paid on or before the first day of the eighth month following the close of such fiscal year.

SECTION 5. 71.10 (9) (c) of the statutes is amended to read:

71.10 (9) (c) Any * * * *corporation* not paying * * * *its* tax in full on or before the fifteenth day of the third month following the close of * * * *its* income year and any person other than a corporation not paying his tax in full on or before the fifteenth day of the fourth month following the close of his income year is required to add to the amount not paid on or before such date, 2 per cent of such amount, which 2 per cent shall become due and payable at the time such unpaid balance becomes due and payable and shall be deemed a part of such unpaid balance.

SECTION 5a. 71.10 (10) (b) of the statutes is amended to read:

71.10 (10) (b) In accordance with the provisions of and subject to the limitations of this subsection, refunds or credits may be made of income taxes and surtaxes assessed on incomes received in any one or more of the 4 calendar or fiscal years next preceding that in which the claim therefore is filed; *except that with respect to income taxes and surtaxes assessed on incomes received in the calendar year 1954 or corresponding fiscal year, and in subsequent years, refunds may be made if the claim therefor is filed within 4 years of the date the income tax return was filed.*

SECTION 6. 71.11 (3) of the statutes is amended to read:

71.11 (3) Whenever in the judgment of the assessor of incomes any person other than a corporation shall be subject to income tax in his district under the provisions of this chapter, he shall notify such person to make report to him on or before * * * *April* 15 of each year in such manner and form as the department of taxation shall prescribe, specifying in detail the amounts of income received by him from all sources and such other information as the department shall deem necessary to enforce the provisions of this chapter.

SECTION 6a. 71.11 (21) (b) of the statutes is amended to read:

71.11 (21) (b) With respect to assessments of income received in the calendar * * * *years 1945 to 1953, inclusive,* or corresponding fiscal * * * years, such notice shall be given within 4 years after the close of the period covered by the income tax return, provided * * * that in any case in which a return is filed more than one year after the due date thereof, such notice may be given within 4 years after the income tax return was filed.

SECTION 6b. 71.11 (21) (bm) of the statutes is created to read:

71.11 (21) (bm) With respect to assessments of income received in the calendar year 1954 or corresponding fiscal year, and in subsequent years, such notice shall be given within 4 years of the date the income tax return was filed.

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

71.14 (1) * * * *On August 15, 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 * * * 1955 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: * * * on May 15, * * * 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 * * * on August 15 the apportionable net amount collected during the period from April 1 to June 30, inclusive, 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.

(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, * * * 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 * * * *distributable on May 15 shall have been made within 3 years of the following August 15 and that a claim for such tax distributable on August 15 shall have been made within 3 years thereof.* 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.

SECTION 8. 71.15 (5) of the statutes is created to read:

71.15 (5) The provisions of ss. 71.10 (2), (3) (a), (7), (9) (a), (b) and (c), and 71.11 (3), as amended by chapter 3 (Bill No. 1, A.) laws of 1955, and the provisions of s. 71.10 (9) (am) and (bm) as created by said chapter, apply to income of the calendar year 1954, or corresponding fiscal year, and subsequent years.

Approved February 16, 1955.