

No. 642, S.

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**CHAPTER 519**

AN ACT to amend 71.20 (4), 77.58 (1) and (2) (intro. par.) and (a) and (5) and 77.61 (4) (b) of the statutes, as amended by chapter 224, laws of 1963, relating to the time of making deposits of income taxes withheld and the time of making returns and payments of sales taxes and the amount allowed to be deducted by retailers from the sales and use tax as expense for reporting the same.

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

SECTION 1. 71.20 (4) of the statutes, as amended by chapter 224, laws of 1963, is amended to read:

71.20 (4) Every employer who deducts and withholds any amount under this section in any month up to and including the month of June \* \* \* 1963 shall deposit such amount within 20 days of the close of the month

in which withheld, and every employer who deducts and withholds any amount under this section on or after July 1, 1963, and prior to July 1, 1964, shall deposit such amount on a quarterly basis, the withholdings of each calendar quarter to be deposited within 20 days of the close of such calendar quarter, and every employer who deducts and withholds any amount under this section on or after July 1, 1964, shall deposit such amount on or before the last day of the month following the close of the quarter in which withheld with such bank in Wisconsin as the state of Wisconsin investment board designates a public depository therefor under s. 25.17 (61) to the credit of the general fund. With each deposit the employer shall include a deposit report on a form to be provided by the department. The department may, in its discretion, when satisfied that the revenues will be adequately safeguarded, permit an employer whose withheld taxes do not exceed \$50 per month to deposit withheld taxes and reports for other than quarterly \*\*\* periods. The department may revoke such permission at any time. \* \* \* The depository bank shall record on such deposit report the amount deposited and shall then forward such report to the department in such manner and at such time as the department by rule prescribes. On or before January 31 of each year every employer shall file with the department at its offices in Madison (or at such other place as the department by rule prescribes) a withholding report on a form to be provided by the department showing the amount withheld from the wages paid each employe in the previous calendar year, the amount deposited in respect to each employe on wages paid in the previous calendar year and a reconciliation of the aggregate of the amounts deposited in respect to each employe on wages paid in the previous calendar year with the aggregate of the amounts shown on the quarterly \* \* \* deposit reports filed in respect to such withholding. No employe shall have any right of action against his employer in regard to money deducted from his wages and deposited with the depository bank in compliance or intended compliance with this section.

SECTION 2. 77.58 (1), (2) (intro. par.) and (a) and (5) of the statutes, as amended by chapter 224, laws of 1963, are amended to read:

77.58 (1) The taxes imposed by this subchapter from February 1, 1962, to March 31, 1962, are due and payable to the department on April 20, 1962. The taxes imposed for the month of April \* \* \* 1962, and for each month thereafter through the month of June \* \* \* 1963 are due and payable on the twentieth of the month next succeeding the month for which imposed. The taxes imposed for the months of July, August and September of 1963, and for each calendar quarter thereafter through June 1964 are due and payable on the twentieth of the month next succeeding the calendar quarter for which imposed. *The taxes imposed on and after July 1, 1964, are payable quarterly and due not later than the last day of the month following the quarter for which imposed.*

(2) (intro. par.) On or before April 20, 1962, a return for the period from February 1, 1962, to March 31, 1962, shall be filed with the department. On or before May 20, 1962, a return shall be filed for the month of April 1962 and a return shall be filed thereafter by the twentieth day of each month for taxes imposed for the preceding month up to and including the taxes imposed for the month of June 1963. On or before October 20, 1963, a return shall be filed for the months of July, August and September of 1963, and a return shall be filed thereafter by the twentieth day of the month next succeeding each calendar quarter through June 1964 for taxes imposed for the preceding calendar quarter. *On and after July 1, 1964, returns for the preceding quarter shall be filed not later than the last day of the month following each quarter.*

(a) Every person required to file a return hereunder, shall, with his first return, also elect to file a calendar year or fiscal year return. Such

calendar or fiscal year return is due and shall be filed on or before 90 days after the close of such calendar or fiscal year. This return shall be referred to as the "annual return" and shall summarize the *quarterly* returns, reconcile and adjust for errors in the *quarterly* returns, and contain such other information as the department requires. If the annual return shows an overpayment of taxes for the preceding calendar or fiscal year, such return shall be treated as a claim for refund and \* \* \* s. 77.59 (4) shall apply thereto. Any underpayment of tax disclosed by the annual return is due and payable by the due date of the return. Underpayments of tax are subject to interest from the due date of the *quarterly* return (if determinable) to which the underpayment relates. Overpayments of tax are subject to interest from the due date of the annual return, subject to the limitations of s. 77.60 (1) (a). All of the provisions of s. 77.60 shall apply to annual as well as *quarterly* returns except as provided herein. Returns shall be filed on forms prescribed by the department. \* \* \*

(5) The department, if it deems it necessary in order to insure payment to or facilitate the collection by the state of the amount of taxes, may require returns or payments of the amount of taxes for other than quarterly periods. \* \* \*

SECTION 3. 77.61 (4) (b) of the statutes, as amended by chapter 224, laws of 1963, is amended to read:

77.61 (4) (b) For reporting the sales and use tax and the accounting connected therewith, retailers shall deduct \* \* \* 2 per cent of the total sales and use tax payable each reporting period as partial \* \* \* sales and use tax administration expenses, provided the payment of such taxes is not delinquent.

Approved May 18, 1964.