

CHAPTER 243

CO-OPERATIVE ASSOCIATIONS TAX RETURNS

S. F. 48

AN ACT relating to the filing requirements for cooperative associations for income tax purposes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-two point twenty-one
2 (422.21), unnumbered paragraph one (1), Code 1973, is amended to
3 read as follows:

4 Returns shall be in such form as the director may, from time to
5 time, prescribe, and shall be filed with the department on or before
6 the last day of the fourth month after the expiration of the tax year
7 *except that co-operative associations as defined in section six thousand*
8 *seventy-two (d) (6072 (d)) of the Internal Revenue Code of 1954 shall*
9 *file their returns on or before the fifteenth day of the ninth month fol-*
10 *lowing the close of the taxable year.* In case of sickness, absence, or
11 other disability, or whenever good cause exists, the director may allow
12 further time for filing returns. The director shall cause to be pre-
13 pared blank forms for said returns and shall cause them to be dis-
14 tributed throughout the state and to be furnished upon application,
15 but failure to receive or secure the form shall not relieve the tax-
16 payer from the obligations of making any return herein required. The
17 department may as far as consistent with the provisions of the Code
18 so draft income tax forms as to conform to the income tax forms of
19 the internal revenue department of the United States government.
20 Each return by a taxpayer upon whom a tax is imposed by subsec-
21 tion 7 of section 422.5 shall show the county of the residence of the
22 taxpayer.

1 SEC. 2. The provisions of this Act shall become effective for tax
2 periods beginning on or after January 1, 1973.

Approved February 26, 1973.

CHAPTER 244

INCOME TAX AUDITS

S. F. 76

AN ACT relating to state income tax audits.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-two point twenty-five
2 (422.25), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. As soon as practicable and in any event within three years after
5 the return is filed the department shall examine it and determine the
6 correct amount of tax, and the amount so determined by the depart-
7 ment shall be the tax; provided that if the taxpayer omits from income
8 such an amount as will, under the Internal Revenue Code of 1954,

9 extend the statute of limitations for assessment of federal tax to six
 10 years under said Code, the period for examination and determination
 11 shall be six years; and provided further that the period for examina-
 12 tion and determination shall be unlimited in the case of a false or
 13 fraudulent return with intent to evade tax or in the case of failure to
 14 file a return. Notwithstanding the periods of limitation for exami-
 15 nation and determination heretofore specified, the department shall
 16 have six months from the date of final disposition of any controversy
 17 between the taxpayer and the internal revenue service with respect to
 18 the particular tax year to make the examination and determination
 19 to make an examination and determination from the date of receipt by
 20 the department of notice from the taxpayer of the final disposition of
 21 any matter between the taxpayer and the internal revenue service with
 22 respect to the particular tax year. In order to begin the running of the
 23 six-months period, the notice shall be in writing in any form sufficient
 24 to inform the department of such final disposition with respect to such
 25 year, and a copy of the federal document showing the final disposition
 26 or final federal adjustments shall be attached to the notice. The burden
 27 of proof of additional tax owing under the six-year period, or unlim-
 28 ited period, shall be on the department. If the tax found due is greater
 29 than the amount paid, the department shall compute the amount due,
 30 together with interest and penalties as provided in subsection 2 of this
 31 section, and shall notify the taxpayer by certified mail of the total,
 32 which shall be a sum certain if paid on or before the last day of the
 33 month in which the notice is postmarked, or on or before the last day
 34 of the following month if the notice is postmarked after the twentieth
 35 day of any month. The notice shall also inform the taxpayer of the
 36 additional interest and penalty which will be added to the total due if
 37 not paid on or before the last day of the applicable month.

1 SEC. 2. The provisions of this Act shall be effective for all out-
 2 standing tax audits conducted by the internal revenue service where
 3 final disposition of such audits has not been determined by July 1,
 4 1973.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 245

CORPORATE INCOME TAX RETURNS

S. F. 64

AN ACT relating to signatures required on corporate income tax returns.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-two point thirty-six
 2 (422.36), subsection one (1), Code 1973, is amended to read as follows:
 3 1. Every corporation shall make a return and the same shall be
 4 signed by the president, ~~vice-president~~, or other ~~principal~~ *duly author-*
 5 *ized officer and by the treasurer or assistant treasurer.* Before a cor-
 6 poration shall be dissolved and its assets distributed it shall make a