

CHAPTER 232

INCOME TAX

S. F. 349

AN ACT to amend section six thousand nine hundred forty-three and forty-eight thousandths (6943.048), Code, 1939, relating to withholding agents and non-residents.

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

1 SECTION 1. Section six thousand nine hundred forty-three and
2 forty-eight thousandths (6943.048) is hereby amended by striking the
3 period following the word "year" in line seven (7) adding a comma
4 (,) and insert the following "provided however that on incomes
5 derived entirely from salaries not exceeding Four Thousand Dollars
6 (\$4,000.00), the amount withheld shall be two (2) per cent."

Approved March 24, 1941.

CHAPTER 233

LIABILITY OF ESTATES FOR INCOME TAX

S. F. 75

AN ACT to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators or executors, and providing for the district court to enter orders with reference to liability of estates for income tax and providing for limitation of claims made in estates where no income tax returns were filed.

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

1 SECTION 1. Section six thousand nine hundred forty-three and fifty-
2 five thousandths (6943.055), Code, 1939, is hereby amended by adding
3 thereto the following sentence: "In the making of said return, the
4 executor or administrator shall use the same method of computation,
5 either cash or accrual, as was last used by the deceased taxpayer."

1 SEC. 2. The judge of the district court in which the estate of the
2 decedent is probated may, upon application being filed by the executor
3 or administrator setting forth the income received by said estate, fix a
4 time and place for hearing upon said application and prescribe the
5 notice to be given to the state tax commission and may upon hearing
6 determine whether or not the said estate is subject to income tax and,
7 if the facts warrant such a finding, enter an order relieving said
8 executor or administrator from making an income tax report and order
9 that the said estate is not subject to the payment of income tax. Such
10 order shall not become final until thirty days after the same has been
11 filed with the clerk of the district court and a copy of the order entered
12 by the judge shall be immediately mailed to the state tax commission
13 by said executor or administrator by registered mail and a return filed
14 showing the mailing of the same.

1 SEC. 3. In all estates of decedents in which the executor or admin-
2 istrator has failed to file an income tax return and where the estate has

3 been closed prior to January 1, 1940, it shall be presumed that no in-
4 come tax is owing to the state of Iowa from said estate and said pre-
5 sumption shall be conclusive after the first day of January, 1942.

1 SEC. 4. This act being deemed of immediate importance, shall be in
2 full force and effect from and after its publication in the Red Oak Sun
3 of Red Oak, Iowa, and the Malvern Leader, of Malvern, Iowa.

Approved April 16, 1941.

I hereby certify that the foregoing act was published in the Red Oak Sun, Red Oak,
Iowa, April 24, 1941, and the Malvern Leader, Malvern, Iowa, April 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 234

STATE TAX COMMISSION

H. F. 238

AN ACT to amend section six thousand nine hundred forty-three and ninety-two
thousandths (6943.092), Code, 1939, to authorize the State Tax Commission to
destroy all useless records and reports and other papers filed by taxpayers after
certain periods of time after the filing of such records with the commission.

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

1 SECTION 1. Section six thousand nine hundred forty-three and
2 ninety-two thousandths (6943.092), Code, 1939, is hereby amended
3 by adding thereto the following paragraph:

4 "3. The Commission shall have the power to destroy any and all
5 useless records and all returns, reports and communications of any
6 taxpayer filed with or kept by the commission after such returns,
7 records, reports or communications shall have been in the custody of
8 the commission for a period of not less than five (5) years, provided,
9 however, after the accounts of any person shall have been examined by
10 the commission and the amount of tax and penalty due shall have been
11 finally determined, then the commission may, in its discretion, order
12 the destruction of any records previously filed by such taxpayer,
13 notwithstanding the fact that such records shall have been in the
14 custody of the commission for a period less than five (5) years. Such
15 records and documents shall be destroyed in such manner as shall be
16 prescribed by the commission."

Approved March 24, 1941.

CHAPTER 235

EXAMINATION OF BOOKS BY STATE TAX COMMISSION

H. F. 223

AN ACT to amend section six thousand nine hundred forty-three and ninety-four
thousandths (6943.094), Code, 1939, to provide a limitation of the time in which the
State Tax Commission shall have power to examine the books, papers, records or
memoranda of any taxpayer.