

1969 Assembly Bill 172

Date published:
January 6, 1970

CHAPTER 292, LAWS OF 1969

AN ACT to repeal 72.015 (4); to renumber 72.015 (5); and to amend 72.045 (1), 72.12 (3) and 72.75 (4) of the statutes, relating to certain inheritance tax exemptions or credits and the share counties receive from estates of nonresidents.

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

SECTION 1. 72.015 (4) of the statutes is repealed.

SECTION 2. 72.015 (5) of the statutes is renumbered 72.015 (4).

SECTION 3. 72.045 (1) of the statutes is amended to read:

72.045 (1) Property of a clear value of \$15,000 transferred to the widow of the decedent, \$5,000 transferred to the husband of the decedent, \$2,000 transferred to each of the other persons described in s. 72.02 (1), except a brother or sister or a descendant of a brother or sister of the decedent, and \$500 transferred to a brother or sister or a descendant of a brother or sister of the decedent shall be *are* exempt. ~~Any child of the decedent shall be entitled to credit for so much of the tax paid by the surviving spouse as applied to any of the same property which hereafter shall be transferred by or from such surviving spouse to such child, provided the surviving spouse does not survive said decedent to exceed 6 years; and provided, further, that where other property is also transferred by or from the surviving spouse to any such child, then such credit shall be applied only upon that portion of the total tax assessed against such child as is attributable to the property transferred upon which a tax was paid by the surviving spouse, such portion to be ascertained by the ratio that the property transferred upon which a tax was paid by the surviving spouse bears to the total amount of property transferred. When a surviving spouse receives property from the decedent which hereafter shall be transferred by or from such surviving spouse to a child of this decedent, provided that such surviving~~

spouse does not survive this decedent to exceed 6 years, then a credit shall be allowed to the child for so much of the tax paid by this surviving spouse as is ascertained by the following formula: The share of the estate received by spouse reduced by the value of all life interests included in this share over the total value of the estate passed by the spouse increased by the value of all gifts by the spouse after the death of the decedent, times the child's share of the estate of the spouse over total distributable value of the estate of the spouse, times the tax the child would pay on the estate of the spouse before the credit. The credit thus computed cannot exceed the amount of tax paid by the spouse on the decedent's estate.

SECTION 4. 72.12 (3) of the statutes is amended to read:

72.12 (3) The county court of Dane county and the judge thereof shall have jurisdiction to hear and determine all questions relating to the determination and adjustment of inheritance taxes in the estates of nonresident decedents in which a tax appears to be due, and in which it does not otherwise appear necessary for regular administration to be had therein; but in all cases in which a nonresident dies possessed of real or tangible personal property located within this state, the county court, and the judge thereof, of the county in which such property is located shall have concurrent jurisdiction with the Dane county court and in such estates the public administrator may be appointed as special administrator for the purpose of such adjustment. The county treasurer shall retain for the use of the county out of such taxes paid and accounted for, only 7½%, and the balance, less the statutory expenses of collection and adjustment as fixed by the court, shall be paid into the state treasury; ~~but the minimum fee to which the county shall be entitled shall be \$2 in each case and in no case shall the maximum fee exceed \$100.~~

SECTION 5. 72.75 (4) of the statutes is amended to read:

72.75 (4) No tax shall be imposed upon the transfer of any property which is taxable under the inheritance tax law of this state, and any tax paid upon the transfer of any property under the provisions of sections ss. 72.75 to 72.81 ~~may be applied as a credit upon any inheritance tax which may be imposed under the inheritance tax law upon the same transfer, and no shall be refunded without interest to the donee if the donee paid the gift tax. If the gift tax was paid by the decedent the refund without interest shall be paid to the estate and shall be included as an asset in the inventory of the estate.~~ No tax shall be imposed upon any tangible personal property of a resident donor when such property is located without this state; ~~provided, however, such unless the property is not~~ without this state temporarily.

Approved December 10, 1969.
