

1969 Assembly Bill 213

Date published:
June 13, 1969
Republished June 17, 1969

CHAPTER 64, LAWS OF 1969

AN ACT to renumber 71.08 (7) and (8); to repeal and recreate 71.08 (6); and to create 71.08 (7) of the statutes, relating to the filing of fiduciary returns under the income tax law.

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

SECTION 1. 71.08 (6) of the statutes is repealed and recreated to read:

71.08 (6) (a) An executor, administrator or trustee applying to a court having jurisdiction for a discharge of his trust and a final settlement of his accounts, before his application is granted, shall file with the department:

1. Returns of income received by the deceased, any previous guardian, executor, administrator or trustee, during each of the years open to assessment under s. 71.11 (21), if such returns had not theretofore been filed, including a return of income for the year of death to the date of death; and

2. Returns of income received during the period of his administration or trust except for the final income tax year of the estate or trust; and

3. Gift tax returns or reports, sales and use tax returns, and withholding returns or reports which were required to be filed, if not theretofore filed.

(b) Upon receipt of such returns, the department shall immediately determine the amount of taxes including interest, penalties and costs to be payable, as well as any delinquent income, withholding, sales, use and gift taxes, penalties, interest and costs due, and shall certify such amounts to the court. The court shall thereupon enter an order directing the executor, administrator or trustee to pay the amounts found to be due by the de-

partment and take its receipt therefor. The receipt shall be evidence of the payment and shall be filed with the court before a final distribution of the estate or trust is ordered and the executor, administrator or trustee is discharged. The filing of such receipt shall in no manner affect the obligation of the executor, administrator or trustee to file income, sales and withholding returns covering transactions reportable during the final income year of the estate or trust and to pay income, sales, use and withholding taxes, penalties, interest and costs due as the result of such transactions.

SECTION 2. 71.08 (7) and (8) of the statutes are renumbered 71.08 (8) and (9), respectively.

SECTION 3. 71.08 (7) of the statutes is created to read:

71.08 (7) Any income, withholding, sales, use or gift taxes, penalties, interest and costs found to be due from a decedent, an estate or a trust for any of the years open to assessment under s. 71.11 (21) and any delinquent income, withholding, sales, use or gift taxes, penalties, interest and costs found to be due shall be assessed against and paid by the executor, administrator or trustee; any of such items found to be due after the executor, administrator or trustee is discharged shall be assessed against and paid by the beneficiaries in the same ratio that their interest in the estate or trust bears to the total estate or trust.

Approved June 3, 1969.
