

1           **SECTION 77.** 854.13 (7) (a) of the statutes is amended to read:

2           854.13 (7) (a) Unless the transferor of the property or donee of the power has  
3 otherwise provided otherwise in a governing instrument, either expressly or as  
4 construed from extrinsic evidence, the disclaimed property devolves as if the  
5 disclaimant had died before the decedent or before the effective date of the transfer  
6 under the governing instrument. If the disclaimant is an appointee under a power  
7 exercised by a governing instrument, the disclaimed property devolves as if the  
8 disclaimant had died before the effective date of the exercise of the power. If the  
9 disclaimant is a taker in default under a power created by a governing instrument,  
10 the disclaimed property devolves as if the disclaimant had predeceased the donee of  
11 the power. <sup>✓</sup> ~~This paragraph is subject to subs. (8), (9), and (10).~~

12           **SECTION 78.** 854.13 (8) of the statutes is amended to read:

13           854.13 (8) DEVOLUTION OF DISCLAIMED INTEREST IN JOINT TENANCY. ~~A~~ Unless the  
14 decedent provided otherwise in a governing instrument, either expressly or as  
15 construed from extrinsic evidence, <sup>✓</sup> a disclaimed interest in a joint tenancy passes to  
16 the decedent's probate estate.

17           **SECTION 79.** 854.13 (9) of the statutes is amended to read:

18           854.13 (9) DEVOLUTION OF DISCLAIMED INTEREST IN SURVIVORSHIP MARITAL  
19 PROPERTY. ~~A~~ Unless the decedent provided otherwise in a governing instrument,  
20 either expressly or as construed from extrinsic evidence, a disclaimed interest in  
21 survivorship marital property passes to the decedent's probate estate.

22           **SECTION 80.** 854.13 (10) of the statutes is amended to read:

23           854.13 (10) DEVOLUTION OF DISCLAIMED FUTURE INTEREST. Unless the <sup>plain space</sup> instrument  
24 ~~creating the future interest manifests a contrary intent~~ transferor of the future  
25 interest or donee of the power under which the future interest was created provided

1 otherwise in a governing instrument, either expressly or as construed from extrinsic  
2 evidence, a future interest limited to take effect in possession or enjoyment after the  
3 termination of the interest which that is disclaimed takes effect as if the disclaimant  
4 had died before the effective date of the governing instrument or, if the disclaimant  
5 is an appointee under a power exercised by a governing instrument, as if the  
6 disclaimant had died before the effective date of the exercise of the power.

7 **SECTION 81.** 854.14 (1) of the statutes is repealed.

8 **SECTION 82.** 854.14 (3m) of the statutes is created to read:

9 854.14 (3m) EFFECT IF DEATH CAUSED BY SPOUSE. (a) *Definitions*. In this  
10 subsection:

11 1. "Owner" means a person appearing on the records of the policy issuer as the  
12 person having the ownership interest, or means the insured if no person other than  
13 the insured appears on those records as a person having that interest. In the case  
14 of group insurance, "the owner" means the holder of each individual certificate of  
15 coverage under the group plan and does not include the person who contracted with  
16 the policy issuer on behalf of the group, regardless of whether that person is listed  
17 as the owner on the contract.

18 2. "Ownership interest" means the rights of an owner under a policy.

19 3. "Policy" means an insurance policy insuring the life of a spouse and providing  
20 for payment of death benefits at the spouse's death.

21 4. "Proceeds" means the death benefit from a policy and all other economic  
22 benefits from it, whether they accrue or become payable as a result of the death of  
23 an insured person or upon the occurrence or nonoccurrence of another event.

24 (b) *Life insurance*. 1. Except as provided in sub. (6), if a noninsured spouse  
25 unlawfully and intentionally kills an insured spouse, the surviving spouse's

1 ownership interest in a policy that designates the decedent spouse as the owner and  
2 insured, or in the proceeds of such a policy, is limited to a dollar amount equal to  
3 one-half<sup>✓</sup> of the marital property interest in the interpolated terminal reserve and in  
4 the unused portion of the term premium of the policy on the date of death of the  
5 decedent spouse. All other rights of the surviving spouse in the ownership interest  
6 or proceeds of the policy, other than the marital property interest described in this  
7 subsection, terminate<sup>✓</sup> at the decedent spouse's death.

8 2. Notwithstanding s. 766.61 (7)<sup>✓</sup> and except as provided in sub. (6)<sup>✓</sup>, if an insured  
9 spouse unlawfully and intentionally kills a noninsured spouse, the ownership  
10 interest at death of the decedent spouse in any policy with a marital property  
11 component that designates the surviving spouse as the owner and insured is a  
12 fractional interest equal to one-half of the portion of the policy that was marital  
13 property immediately before the death of the decedent spouse.

14 (c) *Deferred employment benefits.* Notwithstanding s. 766.62 (5)<sup>✓</sup> and except as  
15 provided in sub. (6), if the employee spouse unlawfully and intentionally kills the  
16 nonemployee spouse, the ownership interest at death of the decedent spouse in any  
17 <sup>✓</sup>deferred employment benefit, or in assets in an individual retirement <sup>✓</sup>account that  
18 are traceable to the rollover of a deferred employment <sup>✓</sup>benefit plan, that has a marital  
19 property component and that is attributable to the employment of the surviving  
20 spouse is equal to one-half of the portion of the benefit or assets that was marital  
21 property immediately before the death of the decedent spouse.

22 (d) *Deferred marital property.* Except as provided in sub. (6), if the surviving  
23 spouse unlawfully and intentionally kills the decedent spouse, the estate of the  
24 decedent shall have the right to elect no more than 50% of the augmented deferred  
25 marital property estate, as determined under s. 861.02 (2)<sup>✓</sup>, as though the decedent

1 spouse were the survivor and the surviving spouse were the decedent. The court  
2 shall construe the provisions of ss. 861.03 to 861.11 as necessary to achieve the intent  
3 of this paragraph. ✓

4 SECTION 83. 854.14 (5) (a) of the statutes is amended to read:

5 854.14 (5) (a) A final judgment establishing criminal accountability for the  
6 unlawful and intentional killing of the decedent conclusively establishes the  
7 convicted individual as the decedent's killer for purposes of this section ✓ and s. 861.02  
8 (8).

9 SECTION 84. 854.14 (5) (b) of the statutes is amended to read:

10 854.14 (5) (b) A final adjudication of delinquency on the basis of an unlawful  
11 and intentional killing of the decedent conclusively establishes the adjudicated  
12 individual as the decedent's killer for purposes of this section ✓ and s. 861.02 (8).

13 SECTION 85. 854.14 (5) (c) of the statutes is amended to read:

14 854.14 (5) (c) In the absence of a judgment establishing criminal accountability  
15 or an adjudication of delinquency, <sup>under par. (b) ✓</sup> the court, upon the petition of an interested  
16 person, shall determine whether, <sup>based on</sup> ~~under~~ the preponderance of <sup>the</sup> evidence ~~standard~~,  
17 <sup>of the decedent ✓</sup> the killing was unlawful and intentional for purposes of this section ✓ and s. 861.02 (8).

✓  
under  
par.  
(a)

18 SECTION 86. 854.15 (1) (e) of the statutes is renumbered 854.01 (3) and  
19 amended to read:

20 854.01 (3) "Revocable", with respect to a disposition, provision, or nomination,  
21 means one under which the decedent, at the time of the divorce, annulment or similar  
22 event referred to, was alone empowered, by law or under the governing instrument,  
23 to change, revoke, or <sup>✓</sup> cancel the designation in favor of the former spouse or former  
24 spouse's relative, regardless of whether ~~or not~~ the decedent was then empowered to  
25 designate himself or herself in place of the former spouse or the former spouse's

1 relative designee, and regardless of whether ~~or not~~ the decedent then had the  
2 capacity to exercise the power.

3 **SECTION 87.** 854.17 of the statutes is amended to read:

4 **854.17 Classification of property; how determined.** In chs. 851 to 882,  
5 ~~classification~~ Classification of the property of a decedent spouse and surviving  
6 spouse is determined under ch. 766.

7 **SECTION 88.** 854.18 (1) (a) (intro.) of the statutes is amended to read:

8 854.18 (1) (a) (intro.) Except as provided in sub. (3) or in connection with the  
9 ~~share of the surviving spouse who elects to take an elective share in deferred marital~~  
10 ~~property~~ deferred marital property elective share amount of a surviving spouse who  
11 elects under s. 861.02, ~~-a~~ the share of a surviving spouse who takes under s. 853.11  
12 (2) 853.12, or ~~-a~~ the share of a surviving child who takes under s. 853.25, shares of  
13 distributees abate, without any preference or priority as between real and personal  
14 property, in the following order:

15 **SECTION 89.** 854.18 (3) of the statutes is amended to read:

16 854.18 (3) If the governing instrument expresses an order of abatement, or if  
17 the decedent's transferor's estate plan or the ~~express or implied~~ purpose of the  
18 transfer, as expressed, implied, or determined through extrinsic evidence, would be  
19 defeated by the order of abatement under sub. (1), the shares of the distributees  
20 abate as necessary to give effect to the intention of the transferor.

21 **SECTION 90.** 854.20 (1) <sup>X</sup> of the statutes is renumbered 854.20 (1) (a) and  
22 amended to read:

23 854.20 (1) (a) Subject to par. (b) and sub. (4) (5), a legally adopted person is  
24 treated as a birth child of the person's adoptive parents for purposes of intestate  
25 succession by, through, and from the adopted person and for purposes of any statute

1WJ CRT ✓  
25-7

1 conferring rights upon children, issue, or relatives in connection with the law of  
2 intestate succession or governing instruments.

3 **SECTION 91.** 854.20 (2) of the statutes is renumbered 854.20 (2) (am), and  
4 854.20 (2) (am) (intro.) and 2., as renumbered, are amended to read:

5 854.20 (2) (am) (intro.) Subject to sub. (4) (5), a legally adopted person ceases  
6 to be treated as a child of the person's birth parents for the same purposes as under  
7 specified in sub. (1) (a), except:

8 2. If a birth parent of a marital child dies and the other birth parent  
9 subsequently remarries and the child is adopted by the stepparent, the child is  
10 treated as the child of the deceased birth parent for purposes of inheritance through  
11 that parent and for purposes of any statute conferring rights upon children, issue,  
12 or relatives of that parent under the law of intestate succession or governing  
13 instruments.

14 **SECTION 92.** 854.20 (3) of the statutes is renumbered 854.20 (2) (bm) and  
15 amended to read:

16 854.20 (2) (bm) ~~Sequential adoption.~~ Subject to sub. (4) (5), if an adoptive  
17 parent dies or his or her parental rights are terminated in a legal proceeding and the  
18 adopted child is subsequently adopted by another person, the former adoptive parent  
19 is considered to be a birth parent for purposes of this section.

20 **SECTION 93.** 854.20 (4) of the statutes is renumbered 854.20 (1) (b), and 854.20  
21 (1) (b) (intro.), as renumbered, is amended to read:

22 854.20 (1) (b) ~~Applicability.~~ (intro.) Subsections (1), (2) and (3) apply  
23 Paragraph (a) applies only if at least one of the following applies:

24 **SECTION 94.** 854.20 (5) of the statutes is amended to read:

*the court finds a*

1           854.20 (5) CONTRARY INTENT. This section does not apply if the to a transfer is  
 2           made under a governing instrument and ~~if there is a finding of~~ contrary intent of the  
 3           person who executed the instrument. ~~Extrinsic evidence may be used to construe~~  
 4           that intent. *Extrinsic evidence may be used to construe*  
*The court may use extrinsic*

5           **SECTION 95.** 854.21 (1) (a) (intro.) of the statutes is renumbered 854.21 (1) (a)  
 6           and amended to read:

7           854.21 (1) (a) Except as provided in ~~par. (b) or~~ sub. (7), a gift of property by a  
 8           governing instrument to a class of persons described as “issue,” “lawful issue,”  
 9           “children,” “grandchildren,” “descendants,” “heirs,” “heirs of the body,” “next of kin,”  
 10           “distributees,” or the like includes a person adopted by a person whose birth child  
 11           would be a member of the class, and issue of the adopted person, if the conditions for  
 12           membership in the class are otherwise satisfied and ~~any of the following applies:~~ at  
 13           least one of the criteria under s. 854.20 (1) (b) 1., 2., and 3. is satisfied.

14           **SECTION 96.** 854.21 (1) (a) 1., 2. and 3. of the statutes are repealed.

15           **SECTION 97.** 854.21 (1) (b) of the statutes is amended to read:

16           854.21 (1) (b) Except as provided in sub. (7), a gift under par. (a) of property by  
 17           a governing instrument to a class of persons described as “issue,” “lawful issue,”  
 18           “children,” “grandchildren,” “descendants,” “heirs,” “heirs of the body,” “next of kin,”  
 19           “distributees,” or the like <sup>✓</sup> excludes a birth child and his or her issue otherwise within  
 20           the class if the birth child has been adopted and would cease to be <sup>✓</sup> treated as a child  
 21           of the birth parent under s. 854.20 (2).

22           **SECTION 98.** 856.05 (5) of the statutes is amended to read:

23           856.05 (5) APPLICABILITY OF SECTION. This section applies to wills, ~~codicils,~~  
 24           ~~documents incorporated by reference under s. 853.32 (1) or (2)~~ <sup>✓</sup> and information  
 25           needed for proof of a lost or otherwise missing will under s. 856.17.

1           **SECTION 99.** 856.15 (1) of the statutes is amended to read:

2           856.15 (1) **GENERALLY.** The court may grant probate of an uncontested will on  
3 the execution in open court by one of the subscribing witnesses of a sworn statement  
4 that the will was executed as required by the statutes and that the testator was of  
5 sound mind, of full age, and not acting under any restraint at the time of the  
6 execution thereof. If an uncontested will contains an attestation clause showing  
7 compliance with the requirements for execution under s. 853.03 or 853.05 or includes  
8 an affidavit in substantially the form under s. 853.04 (1) or (2), the court may grant  
9 probate without any testimony or other evidence.

10           **SECTION 100.** 856.16 of the statutes is repealed and recreated to read:

11           **856.16 Self-proved will.** (1) Unless there is proof of fraud or forgery in  
12 connection with the affidavit, if a will includes an affidavit in substantially the form  
13 under s. 853.04 (1) or (2), all of the following apply:

14           (a) The will is conclusively presumed to have been executed in compliance with  
15 s. 853.03.

16           (b) Other requirements related to the valid execution of the will are rebuttably  
17 presumed.

18           (2) A signature affixed to a self-proving affidavit under s. 853.04 that is  
19 attached to a will is considered a signature affixed to the will, if necessary to prove  
20 the due execution of the will.

21           (3) Admission of a will under s. 856.13 or 856.15 is not dependent on the  
22 existence of a valid affidavit under s. 853.04.

23           **SECTION 101.** 856.17 of the statutes is amended to read:

24           **856.17 Lost Missing will, how proved.** If any will is lost, destroyed by  
25 accident or, destroyed without the testator's consent, or otherwise missing, the court

1 has power to take proof of the execution and validity of the will and to establish the  
2 same. The petition for the probate of the will shall set forth the provisions thereof.

3 SECTION 102. 861.01 (3) of the statutes is renumbered 766.31 (7m) and  
4 amended to read:

5 766.31 (7m) ~~PERSONAL INJURY DAMAGES; LOST EARNINGS.~~ To the extent that  
6 marital property includes damages for loss of future income arising from a personal  
7 injury claim of the a surviving spouse, the surviving spouse is entitled to receive as  
8 individual property that portion of the award that represents an income substitute  
9 after the death of the other spouse.

10 SECTION 103. 861.01 (4) of the statutes is created to read:

11 861.01 (4) ENFORCEMENT OF SURVIVING SPOUSE'S MARITAL PROPERTY RIGHTS IN  
12 NONPROBATE ASSETS. Section 766.70 applies to enforcement of a surviving spouse's  
13 marital property rights in nonprobate assets.

14 SECTION 104. Subchapter II (title) of chapter 861 [precedes 861.018] of the  
15 statutes is amended to read:

16 CHAPTER 861

17 SUBCHAPTER II

18 ELECTIVE SHARE IN

19 DEFERRED MARITAL PROPERTY

20 ELECTIVE SHARE AMOUNT

21 SECTION 105. 861.02 (title) of the statutes is amended to read:

22 861.02 (title) **Deferred marital property elective share amount.**

23 SECTION 106. 861.02 (4) of the statutes is amended to read:

24 861.02 (4) SATISFACTION. Satisfaction of the augmented deferred marital  
25 property elective share amount is governed by ss. 861.06, 861.07, and 861.11.

INS ✓  
21-3 →

of the will

INS ✓  
21-13 →

1 SECTION 107. 861.02 (6) of the statutes is amended to read:

2 861.02 (6) WAIVER. Waiver of the deferred marital property elective share  
3 amount is governed by s. 861.10.

4 SECTION 108. 861.02 (7) (b) of the statutes is amended to read:

5 861.02 (7) (b) If a decedent who is not domiciled in this state owns real property  
6 in this state, the ~~right~~ rights of the surviving spouse ~~to take an elective share~~ in that  
7 property is are governed by s. 861.20.

8 SECTION 109. 861.02 (8) of the statutes is repealed and recreated to read:

9 861.02 (8) EFFECT IF DEATH CAUSED BY SPOUSE. Section 854.14 (3m) (d) applies  
10 to election of deferred marital property if the decedent's surviving spouse unlawfully  
11 and intentionally killed the decedent.

12 SECTION 110. 861.04 (1) of the statutes is renumbered 861.04.

13 SECTION 111. 861.04 (2) of the statutes is repealed.

14 SECTION 112. 861.05 (1) (e) of the statutes is created to read:

15 861.05 (1) (e) The deferred marital property component of any deferred  
16 employment benefit plan held by the surviving spouse that would have terminated  
17 under s. 766.62 (5) had it been marital property and had the surviving spouse been  
18 the decedent.

19 SECTION 113. 861.05 (2) (title) of the statutes is amended to read:

20 861.05 (2) (title) VALUATION OF DECEDENT'S PROPERTY AND TRANSFERS.

21 SECTION 114. 861.05 (2m) of the statutes is created to read:

22 861.05 (2m) VALUATION OF SURVIVING SPOUSE'S PROPERTY AND TRANSFERS. The  
23 surviving spouse's property included in the augmented deferred marital property  
24 estate under s. 861.04 is valued in the same manner as the decedent spouse's

*deferred marital property component of the interpolated terminal reserve and the unused portion of the term premium of the policy as of the date of the decedent's death*

1 property included in the augmented deferred marital property estate is valued under  
2 sub. (2), subject to the following:

3 (a) The surviving spouse shall be treated as having died after the decedent on  
4 the date of the decedent's death and the 120-hour survival requirement under s.  
5 854.03 (1) does not apply. *notwithstanding*

6 (b) Life insurance on the surviving spouse's life shall have the value of the  
7 decedent spouse's marital property interest under s. 766.61 (7) in the life insurance.

8 SECTION 115. 861.06 (title) of the statutes is amended to read:

9 **861.06 (title) Satisfaction of deferred marital property elective share**  
10 **amount.**

11 SECTION 116. 861.06 (2) (title) of the statutes is amended to read:

12 861.06 (2) (title) INITIAL SATISFACTION OF DEFERRED MARITAL PROPERTY ELECTIVE  
13 SHARE AMOUNT.

14 SECTION 117. 861.06 (2) (b) (intro.) of the statutes is amended to read:

15 861.06 (2) (b) (intro.) All marital, individual, deferred marital, or deferred  
16 individual property, transferred to the surviving spouse, including any beneficial  
17 interest in property transferred in trust:

18 SECTION 118. 861.06 (2) (b) 4. a. of the statutes is amended to read:

19 861.06 (2) (b) 4. a. The first \$5,000 of the value of the gifts from the decedent  
20 to the surviving spouse each year. Each gift shall be valued as of the date of the gift.

21 SECTION 119. 861.07 (2) (intro.) of the statutes is amended to read:

22 861.07 (2) PERSONS LIABLE. (intro.) The following persons are liable to make  
23 a prorated contribution toward satisfaction of the surviving spouse's deferred  
24 marital property elective share amount:

25 SECTION 120. 861.10 (1) of the statutes is amended to read:

1           861.10 (1) RIGHT TO ELECT MAY BE WAIVED. The right to elect a deferred marital  
2 property elective share amount may be waived by the surviving spouse in whole or  
3 in part. The waiver may take place before or after marriage. The waiver shall must  
4 be contained in a marital property agreement that is enforceable under s. 766.58 or  
5 in a signed document filed with a court described in s. 861.08 (1) (a) after the  
6 decedent's death.

7           **SECTION 121.** 861.10 (2) of the statutes is amended to read:

8           861.10 (2) WAIVER OF "ALL RIGHTS". Unless the waiver provides otherwise, a  
9 waiver of "all rights", or equivalent language, in the property or estate of a present  
10 or prospective spouse, or in a complete property settlement entered into because of  
11 separation or divorce, is a waiver of all rights in the deferred marital property  
12 elective share amount.

13           **SECTION 122.** 861.11 (2) (a) (intro.) of the statutes is amended to read:

14           861.11 (2) (a) (intro.) Upon a beneficiary's request for payment, a payer or other  
15 3rd party who has received satisfactory proof of the decedent's death and who has not  
16 received written notice that the surviving spouse or his or her representative intends  
17 to file a petition for the deferred marital property elective share amount or that a  
18 petition for the election has been filed is not liable for any of the following:

19           **SECTION 123.** 861.11 (2) (b) of the statutes is amended to read:

20           861.11 (2) (b) A payer or other 3rd party is liable for payments made or other  
21 actions taken after receipt of written notice of the intent to file a petition for the  
22 elective share amount or written notice that a petition for the elective share amount  
23 has been filed.

24           **SECTION 124.** 861.11 (5) (b) of the statutes is amended to read:

1           861.11 (5) (b) Notwithstanding sub. (2), in addition to the protections afforded  
2 a financial institution under ss. 701.19 (11) and 710.05 and chs. 112 and 705 a  
3 financial institution is not liable for having transferred an account included in the  
4 augmented deferred marital property estate under s. 861.03 to a beneficiary  
5 designated in a governing instrument, or for having taken any other action in  
6 reliance on the beneficiary's apparent entitlement under the terms of a governing  
7 instrument, regardless of whether the financial institution received written notice  
8 of an intent to file, or the filing of, a petition for the deferred marital property elective  
9 share amount.<sup>✓</sup>

10           **SECTION 125.** 861.17 (3) of the statutes is amended to read:

11           861.17 (3) If the spouse is successful in an action to reach fraudulent property  
12 arrangements, recovery is limited to the ~~share amount~~<sup>↓</sup> the spouse would receive  
13 under ch. 852 and this chapter. Other rules of this chapter apply so far as possible.  
14 <sup>✓</sup> ~~Recovery~~ <sup>A spouse who recovers under this subsection ✓</sup> forfeits any power of appointment ~~which~~<sup>that ✓</sup> the surviving spouse possesses  
15 over the remaining portion of the fraudulently arranged property, except a special  
16 power.

17           **SECTION 126.** 861.21 (1) (a) of the statutes is amended to read:

18           861.21 (1) (a) "Governing instrument" has the meaning given in s. 854.01 <sup>✓</sup>(2).

19           **SECTION 127.** 861.21 (4) of the statutes is amended to read:

20           861.21 (4) PAYMENT BY SURVIVING SPOUSE. The court shall assign the interest in  
21 the home under sub. (2) or (3)<sup>✓</sup> to the surviving spouse upon payment of the value of  
22 the interest that does not pass to the surviving spouse under intestacy or under the  
23 governing instrument. Payment shall be made to the fiduciary holding title to the  
24 interest. The surviving spouse may use assets due him or her from the fiduciary to  
25 satisfy all or part of the payment in kind. Unless the court extends the time, the

INS 34-3 ✓

1 surviving spouse shall have one year from the decedent's death to pay the value of  
2 the assigned interest.

3 SECTION 128. 861.31 (4) (a) of the statutes is amended to read:

4 861.31 (4) (a) Any entitlement of the surviving spouse under s. 853.11 (2)  
5 853.12.

6 SECTION 129. 861.35 (1m) (intro.) of the statutes is amended to read:

INS 34-6 ✓

7 861.35 (1m) (intro.) If the decedent is survived by a spouse or by <sup>minor</sup> children, the  
8 court may, ~~subject to sub. (1r)~~ order an allowance for the support and education of

9 each ~~dependent~~ <sup>minor</sup> child and for the support of the spouse. This allowance may be made  
10 whether the estate is testate or intestate. If the decedent is not survived by a spouse,

11 the court also may, ~~subject to sub. (1r)~~ allot directly to <sup>children</sup> any of the dependent <sup>the minor</sup> children  
12 household furniture, furnishings, and appliances. ~~No allowance may be made under~~

13 this section if any of the following <sup>apply</sup> ~~apply~~ applies: The court may not order an

14 SECTION 130. 861.35 (1m) (a) of the statutes is amended to read:

15 861.35 (1m) (a) The decedent has amply provided for each <sup>minor</sup> dependent child and  
16 for the spouse by the ~~terms of his or her will and the estate is sufficient to carry out~~  
17 ~~the terms after payment of all debts and expenses~~ transfer of probate or nonprobate  
18 assets, or support and education have been provided for by any other means.

19 SECTION 131. 861.35 (1m) (b) of the statutes is amended to read:

20 861.35 (1m) (b) In the case of <sup>minor</sup> dependent children, if the surviving spouse is  
21 legally responsible for support and education and has ample means to provide them  
22 in addition to his or her own support.

23 SECTION 132. 861.35 (1m) (c) of the statutes is amended to read:

24 861.35 (1m) (c) In the case of the surviving spouse, if he or she has ample means  
25 to provide for his or her support.

9

MS ✓  
35-8

1       **SECTION 133.** 861.35 (1r) of the statutes is created to read:  
 2           861.35 (1r) The court may order an allowance under sub. (1m) for an adult child  
 3 of the decedent who was being supported by the decedent at the time of the decedent's  
 4 death only if the court finds, under the facts and circumstances, that the decedent  
 5 intended to continue support of the adult child after the decedent's death. Extrinsic  
 6 evidence may be used to determine that intent, but a decedent's signed statement of  
 7 intent that support not be awarded to an adult child is binding on the court.

MS ✓  
35-19

8       **SECTION 134.** 861.35 (4) (a) of the statutes is amended to read:  
 9           861.35 (4) (a) Any entitlement of the surviving spouse under s. 853.11 (2)  
 10 853.12.

11       **SECTION 135.** 863.15 of the statutes is amended to read:  
 12           **863.15 Right of retention Debts to estate.** ~~When~~ If a distributee of an estate  
 13 is indebted to the estate, the ~~amount of the indebtedness if due, or the present worth~~  
 14 ~~of the indebtedness, if not due, shall be treated as an offset by the personal~~  
 15 ~~representative against property of the estate to which the distributee is entitled. In~~  
 16 ~~contesting the offset the distributee shall have the benefit of any defense which~~  
 17 ~~would be available to the distributee in a direct proceeding by the personal~~  
 18 ~~representative for the recovery~~ treatment of the debt is governed by s. 854.12.

MS  
35-25

19       **SECTION 136.** 865.07 (1) (d) of the statutes is amended to read:  
 20           865.07 (1) (d) The decedent died intestate or testate, and, if testate, whether  
 21 the original will is in the possession of the court or accompanies the application ~~and,~~  
 22 contains an attestation clause showing compliance with the requirements of  
 23 execution under s. 853.03 or 853.05 or includes an affidavit in substantially the form  
 24 under s. 853.04 (1) or (2), and does not expressly prohibit informal administration;

25       **SECTION 137. Initial applicability.**

1 (1) The treatment of section 40.02 (8) (a) 2. of the statutes first applies to deaths  
2 occurring on the first day of the 10th month beginning after the effective date of this  
3 subsection.

4 (END)

INS  
20-4

D-note

☆

702.75.21

75

702.75.21

702.75.21

702.75.21

702.75.21

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0349/p1dn

CMH.....

April 28, 2003

L  
JL  
EMJ

1. In addition to the questions in this d-note, I also added embedded notes to the bill for your review.

2. I deleted the treatment of s. 40.75<sup>✓</sup> from the bill; s. 40.18<sup>✓</sup> made it redundant. OK?

3. Section 853.32 (2) (b) 4.<sup>✓</sup> does not seem to fit with the "even if" introduction clause. Would it work better as s. 853.32 (2) (bm)?<sup>✓</sup> It could begin "Another document under par. (a) is valid if..."

\* 4. I was not here for the initial <sup>bill</sup> draft, so I need to ask why we are repealing s. 854.06 (1) (b)<sup>✓</sup> since the term "revocable provision" appears in s. 854.06 (2). Same question as to why we are repealing s. 854.14 (1) when the term "disposition of property" appears in s. 854.14 (6).<sup>✓</sup>

\* 5. Under created s. 854.115, I am confused by the use of "transfer" and "distribution"—the usage does not seem consistent to me. I changed a few; please see if you agree with my changes.

\* 6. I removed ss. 851.21 (1) (b),<sup>✓</sup> 853.03 (2) (intro.), and 853.05 (1) (intro.)<sup>✓</sup> from the bill, okay?  
(5)

7. In ss. 856.05 and 856.17, I am not sure what the difference is between "lost" and "missing." Are both terms necessary, or would "missing" be enough?

8. I did not change the initial applicability date for s. 40.02 (8) (a) 2. although you had marked it as "prospective"—indicating that it should first apply to deaths occurring on the effective date of the bill. ~~Did you want that provision to apply to deaths occurring on the effective date?~~ I thought the amended provision might require a longer lead time. which date would you like?

9. With the retroactive initial applicability dates, what if the probate process has concluded or is partially completed in ways inconsistent with the bill?

Cathlene Hanaman  
Phone: (608) 267-9810  
E-mail: cathlene.hanaman@legis.state.wi.us

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

INSERT ANALYSIS

*Wisconsin*  
This bill primarily corrects technical errors and clarifies various provisions in 1997 Act 188, which modernized the Wisconsin Probate Code. This bill also continues the process of extending various interpretative rules from probate to nonprobate assets and of allowing extrinsic evidence to be used when interpreting the intent of the transferor. This bill also creates additional protections for a decedent spouse who is murdered by the surviving spouse.

Insert 8-18

*✓*  
**SECTION 1.** 766.31 (3) of the statutes is renumbered 766.31 (3) (intro.) and amended to read:

*✓*  
766.31 (3) (intro.) Each spouse has a present undivided one-half interest in each item of marital property, but the marital property interest of the nonemployee spouse in a deferred employment benefit plan or in assets in an individual retirement account that are traceable to the rollover of a deferred employment benefit plan terminates at the death of the nonemployee spouse if he or she predeceases the employee spouse. subject to all of the following:

*and*  
*are*  
History: 1983 a. 186; 1985 a. 37; 1987 a. 393; 1991 a. 301; 1993 a. 160.

**SECTION 2.** 766.31 (3) (a), (b) and (c) of the statutes is created to read:

*no A*  
766.31 (3) (a) In this subsection

- 1. "Aggregate value" means the total value of the marital property that both spouses own.
- 2. "Item by item" means the value of each item of marital property based on the present undivided one-half interest that each spouse owns.

*✓*  
(b) Section 766.62 (5).

*a*  
*b*  
(c) 1. Spouses may provide in a marital property agreement that at the death of a spouse some or all of their marital property will be divided based on aggregate value rather than divided item by item.

*✓*  
Note: This section does not appear in any other applicable provision.

*✓*  
Note: I think definitions are necessary but don't see any need for these definitions.

2. The surviving spouse and the successor in interest to the decedent's share of marital property may enter into an agreement providing that some or all of the marital property in which each has an interest will be divided based on aggregate value rather than divided item by item.

3. The court <sup>does not need a marital property agreement to</sup> may recognize a division of marital property that is not item by item ~~without a marital property agreement.~~

4. This paragraph does not have to comply with the procedures under s. 857.03 (2). ✓

\*\*\*\*NOTE: Given subd. 4., I do not understand the proposed cross-reference to s. 766.31 (3) in s. 857.03 (2). This paragraph does not have to comply with s. 857.03 (2), but s. 857.03 (2), which begins "under s. 766.31 (3)," allows an exchange only if the parties comply with the procedures under s. 857.03 (2) (a) to (d). ✓ Should that cross-reference be deleted?

Insert 10-4

SECTION 3. 851.055 (1m) ✓ of the statutes is created to read:

851.055 (1m) Is not classified as individual property or marital property under a valid marital property agreement, unless the marital property agreement provides otherwise.

\*\*\*\*NOTE: The property becomes deferred marital property unless the agreement classifies the property as individual or marital, or unless the agreement provides otherwise. But if the agreement provided otherwise, wouldn't the agreement classify the property? And how else could the agreement classify the property—an agreement would not classify property as deferred marital property. I do not understand what "unless the agreement provides otherwise" adds.

marital property

\*\*\* Note: This section does not appear in an initial applicability provision.

Insert 15-25

SECTION 4. 854.03 (5) (d) ✓ of the statutes is amended to read:

854.03 (5) (d) The imposition of a 120-hour survival requirement would cause a nonvested property interest or a power of appointment to fail to be valid, or to be

invalidated, under s. 700.16 or under the rule against perpetuities of the applicable jurisdiction.

use  
2x

History: 1997 a. 188.

NOTE: This section does not appear in an initial applicability provision.

Insert 16-12

SECTION 5. 854.03 (5) (j) of the statutes is created to read:

854.03 (5) (j) The imposition of a 120-hour survival requirement would be administratively cumbersome and would not change the identity of the beneficiaries of the property, the ultimate beneficiaries of the property, or the property that each beneficiary would receive.

NOTE:

Insert 19-20

SECTION 6. 854.115 of the statutes is created to read:

**854.115 Valuation of distributed assets.** (1) VALUATION OF IN-KIND DISTRIBUTIONS AS OF DATE OF DISTRIBUTION. A distribution of property in kind to a distributee who receives a pecuniary transfer, a dollar amount <sup>fixed</sup> fixed by formula or otherwise, or a fractional share in a group of assets shall be made on the basis of the fair market value of the property on the date of distribution. This subsection applies to distributions under a governing instrument or under a statute, except that distributions under a governing instrument are subject to subs. (2) and (3).

(2) EXCEPTION IF GOVERNING INSTRUMENT PROVIDES OTHERWISE. Subject to sub. (3), if the distribution is made under a governing instrument, and the instrument requires or permits a different value to be used, all assets available for distribution, including cash, shall be distributed so that the assets distributed in satisfaction of

to satisfy



the transfer <sup>gr</sup> are fairly representative <sup>gr</sup> of the net appreciation or depreciation in the value of the available property on the date of the distribution.

(3) CONTRARY INTENT. ✓ (a) This section does not apply if the distribution is made under a governing instrument and the court finds that the person who executed the governing instrument had a contrary intent. The court may use extrinsic evidence to construe the contrary intent.

(b) A provision in a governing instrument that the personal representative or other fiduciary may fix values for the purpose of distribution does not of itself fix a value other than fair market value on the date of distribution.

*\*\*\* Note: This section does not appear in an initial applicability provision.*

Insert 19-23

The property not distributed to the debtor heir <sup>✓</sup> becomes part of the decedent's probate estate. If multiple revocable governing instruments transfer property to the debtor heir, the court shall determine how to allocate the debt to the various instruments.

1591

Insert 25-7

SECTION 7. 854.17 (title) of the statutes is amended to read:

854.17 (title) ~~Classification; how determined~~ Marital property classification and division.

*repealed and recreated*

no scoring

*EPC please fix comment*

no scoring

History: 1985 a. 37; 1997 a. 188 s. 92; Stats. 1997 s. 854.17.

SECTION 8. 854.17 of the statutes is renumbered 854.17 (1).

History: 1985 a. 37; 1997 a. 188 s. 92; Stats. 1997 s. 854.17.

SECTION 9. 854.17 (2) of the statutes is created to read:

854.17 (2) (a) Under this subsection:

- 1. "Aggregate value" has the meaning given under s. 766.31 (3) (a) 1.

no 91



2. "Item by item" has the meaning given under s. ~~766.31 (3) (a)~~ 2.

(b) Under s. 766.31 (3) (b), at the death of a spouse, marital property may be divided based on aggregate value rather than divided item by item.

NOTE: I am not sure why s. 854.17 is renumbered and s. 854.17(2) is created. Doesn't s. 854.17 already cover what s. 854.17(2) now states? It states that ch. 766 covers property classification in ch. 851/882. As an aside Insert 29-3

SECTION 10. 857.03 (2) (intro.) of the statutes is amended to read:

857.03 (2) (intro.) The ~~Under the provisions of~~ s. 766.31 (3), the surviving spouse and a distributee who is a successor in interest to all or part of the decedent's one-half interest in marital property may petition the court to approve an exchange of interests in the marital property. If the court approves the exchange, the personal representative shall exchange their respective interests in 2 or more items of marital property and distribute the items in a manner to conform with the exchange. The exchange shall:

History: 1975 c. 331, 421; 1987 a. 393.

NOTE: See the note under s. 766.31 (3). I don't understand why this cross-reference is being added.

NOTE: This section does not appear in an initial applicability provision. Use 2x

Insert 29-13

SECTION 11. 861.01 (5) of the statutes is created to read:

861.01 (5) DIVISION OF MARITAL PROPERTY ON AGGREGATE BASIS. Section 766.31 (3) (b) determines how marital property may be divided upon the death of a spouse.

NOTE:

Insert 30-14

SECTION 12. 861.05 (1) (c) of the statutes is amended to read:

Should this provision be renumbered to appear at the beginning of ch. 851/882? If sum out of place?

861.05 (1) (c) Transfers of deferred marital property to persons other than the surviving spouse who did not make the transfer, with the written joinder or written consent of the surviving that spouse.

*\*\*\* Note: This section does not appear in an initial applicability provision.*

Insert 34-3

SECTION 13. 861.31 (1c) of the statutes is repealed.

SECTION 14. 861.31 (1m) of the statutes is amended to read:

861.31 (1m) The court may, without notice or on such notice as the court directs, order payment by the personal representative or special administrator of an allowance as it the court determines necessary or appropriate for the support of the surviving spouse and any dependent minor children of the decedent during the administration of the estate. ~~In making or denying~~ determining the order, the court shall consider the size of the probate estate, other resources available for support, the existing standard of living, and any other factors it considers relevant.

*To make the decision*

History: 1971 c. 40; 1991 a. 301; 1997 a. 188.

SECTION 15. 861.31 (2) of the statutes is amended to read:

861.31 (2) The court may order that an allowance may be made to the spouse for support of the spouse and any dependent minor children of the decedent, or that separate allowances may be made to the spouse and to the dependent minor children of the decedent or their guardian, if any, if the court finds separate allowances advisable. If there is no surviving spouse, the court may order that an allowance may be made to the dependent minor children of the decedent or to their guardian, if any.

History: 1971 c. 40; 1991 a. 301; 1997 a. 188.

SECTION 16. 861.31 (4) (intro.) of the statutes is amended to read:



861.31 (4) (intro.) The court may direct order that the allowance be charged against income or principal, either as an advance or otherwise, but ~~in no event may the court may not order that~~ <sup>plain space</sup> an allowance for support of dependent minor children of the decedent be charged against the income or principal interest of the surviving spouse. The court may direct order that the allowance for support of the surviving spouse, not including any allowance for support of dependent minor children of the decedent, be applied in satisfaction of any of the following:

History: 1971 c. 40; 1991 a. 301; 1997 a. 188.

Insert 34-6

*NOTE: did not put any treatment of §. 861.33 in an initial applicability provision.*

**SECTION 17.** 861.33 (title) of the statutes is amended to read:

**861.33 (title) Selection of personalty by surviving spouse or children.**

History: 1973 c. 233; 1983 a. 192; 1991 a. 301; 1997 a. 188.

**SECTION 18.** 861.33 (1) (a) (intro.) of the statutes is amended to read:

861.33 (1) (a) (intro.) Subject to this section, in addition to all allowances and distributions, the surviving spouse, ~~or if there is no surviving spouse the decedent's children,~~ may file with the court a written selection of the following personal property, which shall ~~thereupon~~ then be transferred to the spouse or children by the personal representative:

**SECTION 19.** 861.33 (1) (b) of the statutes is amended to read:

861.33 (1) (b) The selection in par. (a) may not include items specifically bequeathed except that the surviving spouse or children may in every case select the normal household furniture, furnishings, and appliances necessary to maintain the home. For this purpose antiques, family heirlooms, and collections ~~which~~ <sup>that</sup> are specifically bequeathed are not classifiable as normal household furniture or furnishings.



**SECTION 20.** 861.33 (1) (c) of the statutes is repealed.

**SECTION 21.** 861.33 (2) of the statutes is amended to read:

861.33 (2) If it appears that claims may not be paid in full, the court may, upon petition of any creditor, limit the transfer of personalty to the spouse or children under this section to items not exceeding \$5,000 in aggregate inventory value until such time as the claims are paid in full or the court otherwise orders, or the court may require the spouse or children to retransfer property in excess of \$5,000 or, at the option of the spouse or children, pay the excess in value over this amount.

History: 1973 c. 233; 1983 a. 192; 1991 a. 301; 1997 a. 188.

**SECTION 22.** 861.33 (3) of the statutes is amended to read:

861.33 (3) The surviving spouse or children may select items not specifically bequeathed of the type specified under sub. (1) (a) 4. exceeding in value the \$3,000 limit or obtain the transfer of items exceeding the limit set by the court under sub. (2), by paying to the personal representative the excess of inventory value over the respective limit.

History: 1973 c. 233; 1983 a. 192; 1991 a. 301; 1997 a. 188.

**SECTION 23.** 861.33 (4) of the statutes is amended to read:

861.33 (4) Subject to sub. (1) (c), the personal representative has power, without court order, to execute appropriate documents to effect transfer of title to any personal property selected by the spouse or children selects under this section. A person may not question the validity of the documents of transfer or refuse to accomplish the transfer on the grounds that the personal representative is also the surviving spouse or the only child of the decedent.

History: 1973 c. 233; 1983 a. 192; 1991 a. 301; 1997 a. 188.

**SECTION 24.** 861.35 (title) of the statutes is amended to read:



**861.35 (title) Special allowance for support of spouse and support and education of dependent minor children.**

History: 1971 c. 213 s. 5; 1983 a. 186; 1991 a. 301; 1997 a. 188.

→ Insert 34-14 *\*\*\*\* Note: I did not put any treatment of s. 861.35 in our initial applicability provision.*

**SECTION 25.** 861.35 (1c) <sup>X</sup> of the statutes is repealed.

*(end ins 34-6)*

Insert 35-8

**SECTION 26.** 861.35 (2) <sup>X</sup> of the statutes is amended to read:

861.35 (2) The court may set aside property to provide an allowance and may appoint a trustee to administer the property, subject to the continuing jurisdiction of the court. If a child dies or reaches the age of 18, or if at any time the property held by the trustee is no longer required for the support of the spouse or the support and education of ~~any dependent~~ the minor child, any remaining property is to be distributed by the trustee as ~~directed by the court~~ directs <sup>orders</sup> in accordance with the terms of the decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims of the decedent's estate.

History: 1971 c. 213 s. 5; 1983 a. 186; 1991 a. 301; 1997 a. 188. <sup>X</sup>

**SECTION 27.** 861.35 (3) (a) of the statutes is amended to read:

861.35 (3) (a) The effect on claims under s. 859.25. The court shall balance the needs of the spouse or <sup>*plain spouse*</sup> ~~dependent~~ minor children against the nature of the creditors' claims in setting the amount allowed under this section.

History: 1971 c. 213 s. 5; 1983 a. 186; 1991 a. 301; 1997 a. 188. <sup>X</sup>

**SECTION 28.** 861.35 (4) (intro.) of the statutes is amended to read:



order ✓

861.35 (4) (intro.) The court may ~~direct~~ that the allowance to the surviving spouse, not including any allowance for the support and education of dependent minor children, be applied in satisfaction of any of the following:

History: 1971 c. 213 s. 5; 1983 a. 186; 1991 a. 301; 1997 a. 188.

Insert 35-19

SECTION 29. 863.16 of the statutes is repealed.

SECTION 30. 863.19 of the statutes is repealed.

\*\*\* Note: This section does not appear in an initial applicability provision.

Insert 35-25

SECTION 31. 1997 Wisconsin Act 188, section 233 (1) is amended to read:

[1997 Wisconsin Act 188] Section 233 (1) This act first applies to deaths occurring on revocable instruments where the death occurred on or after January 1, 1999, except with respect to irrevocable governing instruments executed before that date and to irrevocable instruments that were executed on or after January 1, 1999, or that became irrevocable on or after January 1, 1999.

\*\*\* Note: Did you want this treatment to appear in an initial applicability provision?

(INS. 36-4)

(#) The treatment of sections 40.18, ~~40.18~~ 700.11 (1), 701.115 (2) and (3), 705.27, 766.61 (7), 766.62 (5) (intro.), 852.12, 853.32 (2)(a), 854.03 (5)(h) and (i) and (7), 854.05 (5), 854.07 (3), 854.08 (6)(a) 1., 854.12, 854.14 (1), (3m), and (5)(a), (b), and (c), 863.75 of the statutes, NO #

861.31 (1c), (1m), (2), and (4) (intro.), and

NO #

the renumbering of section 701.115 (1) of the statutes, the renumbering and amendment of sections 705.04 (2) and 854.08 (5) of the statutes,

NO #

and the creation of sections 701.115 (1)(a), 705.04 (2)(a), (d), (e), and (f), 854.08 (5)(a) and (d) of the statutes NO #

first apply retroactively to deaths occurring on January 1, 1999, except with respect to irrevocable governing instruments executed before that date.

(#) The treatment of sections 701.20 (5)(d), 702.03 (1), 767.266 (1)(b), ~~851.55 (intro.)~~, ~~852.01 (1)(a) 2.~~, 851.31, 851.50, 852.01 (1)(b), 853.03 (2) (intro), (a), (b), and (c), 853.04 (3), 853.11 (2), (2m) (3), and (6) (b) and (d), the renumbering of sections 766.62 (4), 853.32 (1) of the statutes

the renumbering and amendment of sections 701.24, 852.01 (1)(a) 2., 853.32 (2)(b), ~~854.01~~ of the statutes, and

the creation of sections 701.24 (2), 766.62 (4)(b) and (c), 852.01 (1)(a) 2.b., 853.32 (1)(bm) and (2)(b) 4., 854.01 (1) of the statutes

first apply to deaths occurring on the effective date of this subsection, except with respect to irrevocable governing instruments executed before that date.

and 854.17 (2)

and 854.17

INSERT INIT APP.

INSERT INIT APP to IMI 36-4

↓ 854.03(2)(b), (3), (4), (5)(a), and (b), 854.04(1)(a) and  
(5) (intro.), 854.06(1)(b) and (4)(a), (am), and (b), 854.08(6)(a) 2  
854.13(2)(gm), (5)<sup>(a)</sup>, (8), (9) and (2), 854.15(1)(e), ~~854.16(1)(a)~~  
854.18(1)(a) (intro.) and (3), 854.20(1), (2), (3), (4), and (5)  
854.21(1)(a) (intro.), 1., 2., and 3. and (b), 856.05(5), 856.15(1)  
856.16, 856.17, 861.01(3) and (4), 861.02 ~~(4), (6), (7)(b)~~  
and (8), 861.04(1) and (2), 861.05(1)(e), ~~861.06(1)(a)~~ and (2m);  
861.06 ~~(3) and (b) (intro.) and 4.a.~~, 861.07(2) (intro.)  
861.10(1) and (2), 861.11(2)(a) (intro.) and (b) and (5)(b), 861.17(2),  
861.21(1)(a) and (4) and 865.07(1)(d) ~~and (e)~~  
~~and a subscript II (title) of the statute~~  
~~861.06(3) and (b) (intro.) and 4.a.~~

129

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0349/p1dn  
CMH&MJL:jld:pg

April 28, 2003

1. In addition to the questions in this d-note, I also added embedded notes to the bill for your review.
2. I deleted the treatment of s. 40.75 from the bill; s. 40.18 made it redundant. OK?
3. Section 853.32 (2) (b) 4. does not seem to fit with the "even if" introduction clause. Would it work better as s. 853.32 (2) (bm)? It could begin "Another document under par. (a) is valid if..."
4. I was not here for the initial bill, so I need to ask why we are repealing s. 854.06 (1) (b) since the term "revocable provision" appears in s. 854.06 (2). Same question as to why we are repealing s. 854.14 (1) when the term "disposition of property" appears in s. 854.14 (6).
5. Under created s. 854.115, I am confused by the use of "transfer" and "distribution" — the usage does not seem consistent to me. I changed a few; please see if you agree with my changes.
6. I removed ss. 851.21 (1) (b), 853.03 (intro.), and 853.05 (1) (intro.) from the bill, okay?
7. In ss. 856.05 (5) and 856.17, I am not sure what the difference is between "lost" and "missing." Are both terms necessary, or would "missing" be enough?
8. I did not change the initial applicability date for s. 40.02 (8) (a) 2. although you had marked it as "prospective"—indicating that it should first apply to deaths occurring on the effective date of the bill. I thought the amended provision might require a longer lead time. Which date would you like?
9. With the retroactive initial applicability dates, what if the probate process has concluded or is partially completed in ways inconsistent with the bill?

Cathlene Hanaman  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.state.wi.us](mailto:cathlene.hanaman@legis.state.wi.us)

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380