

2001 SENATE BILL 143

April 11, 2001 – Introduced by Senators HUELSMAN, RISSER, ROESSLER, GEORGE and ROSENZWEIG, cosponsored by Representatives KRAWCZYK, STASKUNAS, HAHN, ALBERS, STONE, OWENS and BERCEAU. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT to amend** 814.66 (1) (f); and **to create** 814.66 (2) (g) of the statutes;
2 **relating to:** waiving the fee for deposit of a will.

Analysis by the Legislative Reference Bureau

Under current law, a person may deposit a will with the register in probate for safekeeping. The fee for doing so is \$10 per will. This bill allows the register in probate to waive all or part of the \$10 fee for good cause shown. If the register in probate declines to act or refuses to waive the fee, the person who wishes to deposit the will may file a petition, motion, or order to show cause with the probate court to request waiver of the \$10 fee. A judge, or court commissioner on authority delegated by a judge, may in his or her discretion require the register in probate to waive all or part of the fee.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 814.66 (1) (f) of the statutes is amended to read:
4 814.66 (1) (f) ~~For~~ Subject to sub. (2) (g), for receiving a will for safekeeping,
5 except under s. 856.05 (1), \$10.

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1 **SECTION 2.** 814.66 (2) (g) of the statutes is created to read:

2 814.66 **(2)** (g) A testator or other person who wishes to deposit a will with the
3 register in probate under s. 853.09 may request that the fee under sub. (1) (f) be
4 waived. The register in probate may waive any or all of the fee for good cause shown.
5 If the register in probate declines to act or to waive the fee, the testator or other
6 person may request the court to order that the fee under sub. (1) (f) be waived by
7 filing, without fee, a petition, motion, or order to show cause with the court having
8 probate jurisdiction for the county in which the testator resides. The court may, in
9 its discretion, require the register in probate to waive any or all of the fee under sub.
10 (1) (f).

11

(END)