

BILL HISTORY FOR ASSEMBLY BILL 123 (LRB -1763)

An Act to repeal 865.08 (1) (a) 1., 2. and 3.; and to renumber and amend 865.08 (1) (intro.) and 865.08 (1) (a) (intro.) of the statutes; relating to: who may be appointed personal representative in informal administration.

2001

02-14.	A.	Introduced by Representatives Staskunas, Duff, Sherman, La Fave, Montgomery, Huebsch, Richards, Cullen, Powers, J. Lehman, Ryba, Hundertmark, Jeskewitz, Albers, Gunderson, Vrakas, Townsend, Berceau, Kreuser and McCormick ; cosponsored by Senators Burke, Farrow and Huelsman.	
02-14.	A.	Read first time and referred to committee on Judiciary	84
02-22.	A.	Public hearing held.	
03-14.	A.	Executive action taken.	
03-15.	A.	Report passage recommended by committee on Judiciary, Ayes 8, Noes 0	148
03-15.	A.	Referred to committee on Rules	148
06-07.	A.	Placed on calendar 6-12-2001 by committee on Rules.	
06-12.	A.	Read a second time	285
06-12.	A.	Laid on the table, Ayes 59, Noes 40	285
06-12.	A.	Refused to take from the table, Ayes 40, Noes 55	290
06-29.	A.	Taken from the table	350
06-29.	A.	Ordered to a third reading	350
06-29.	A.	Rules suspended	350
06-29.	A.	Read a third time and passed , Ayes 99, Noes 0	350
06-29.	A.	Ordered immediately messaged	350
07-02.	S.	Received from Assembly	249
07-02.	S.	Read first time and referred to committee on Judiciary, Consumer Affairs, and Campaign Finance Reform	249

2002

02-13.	S.	Public hearing held.	
02-13.	S.	Executive action taken.	
02-20.	S.	Report concurrence recommended by committee on Judiciary, Consumer Affairs, and Campaign Finance Reform, Ayes 5, Noes 0	573
02-20.	S.	Available for scheduling.	
02-20.	S.	Placed on calendar 2-26-2002 by committee on Senate Organization.	
02-26.	S.	Read a second time	587
02-26.	S.	Ordered to a third reading	587
02-26.	S.	Rules suspended	587
02-26.	S.	Read a third time and concurred in	587
02-26.	S.	Ordered immediately messaged	588
02-26.	A.	Received from Senate concurred in.	

**2001
ENROLLED BILL**

01en^AB-423

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

01-17631-1

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic Who may be appointed person as a representative in informal administration

2/27/02
Date

Peter Dykeman
Enrolling Drafter

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2001 ASSEMBLY BILL 123

February 14, 2001 – Introduced by Representatives STASKUNAS, DUFF, SHERMAN, LA FAVE, MONTGOMERY, HUEBSCH, RICHARDS, CULLEN, POWERS, J. LEHMAN, RYBA, HUNDERTMARK, JESKEWITZ, ALBERS, GUNDERSON, VRAKAS, TOWNSEND, BERCEAU, KREUSER and MCCORMICK, cosponsored by Senators BURKE, FARROW and HUELSMAN. Referred to Committee on Judiciary.

1 **AN ACT** *to repeal* 865.08 (1) (a) 1., 2. and 3.; and *to renumber and amend* 865.08
2 (1) (intro.) and 865.08 (1) (a) (intro.) of the statutes; **relating to:** who may be
3 appointed personal representative in informal administration.

Analysis by the Legislative Reference Bureau

Under current law, in the informal administration of an estate, the probate registrar may appoint a personal representative. If there is a will, the personal representative appointed by the probate registrar must be the person nominated in the will or a person requested by the parties interested in the estate, subject to qualification and acceptance. If no person is nominated in the will, if the person nominated in the will fails to qualify, or if there is no will, the personal representative appointed by the probate registrar must be either a bank or trust company that is entitled to exercise fiduciary powers in this state or a natural person. In either case, the personal representative must have the consent of all of the parties interested in the estate. In addition, if the personal representative is a natural person, he or she must be an attorney admitted to practice law in this state, someone who takes under the will if there is a will, or an heir of the decedent if there is no will.

This bill changes the natural persons who may be appointed personal representative in informal administration if no person is nominated in the will, if the person nominated in the will fails to qualify, or if there is no will. Under the bill, any person who has the consent of all interested parties and who qualifies may be

ASSEMBLY BILL 123

appointed. The person does not have to be an attorney, a beneficiary under the will if there is a will, or an heir if there is no will.

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

1 **SECTION 1.** 865.08 (1) (intro.) of the statutes is renumbered 865.08 (1) (ac) and
2 amended to read:

3 865.08 (1) (ac) Upon receipt of an application and making the determinations
4 required by s. 865.07, the probate registrar may enter a statement of informal
5 administration, admit a will to informal probate, and may appoint the personal
6 representative nominated by the will or requested by the interested parties, subject
7 to qualification and acceptance.

8 **SECTION 2.** 865.08 (1) (a) (intro.) of the statutes is renumbered 865.08 (1) (am)
9 (intro.) and amended to read:

10 865.08 (1) (am) (intro.) ~~Where~~ If no personal representative is named or ~~where~~
11 if the named personal representative fails to qualify, the personal representative
12 shall be ~~either a~~ any of the following:

13 1. A bank or trust company that is entitled to exercise fiduciary powers in this
14 state ~~which and that~~ has the consent of all interested persons, other than creditors
15 of the deceased, ~~or a~~.

16 2. A natural person who has the consent of all interested parties, other than
17 creditors of the deceased, and is: who is not disqualified under s. 856.23.

18 **SECTION 3.** 865.08 (1) (a) 1., 2. and 3. of the statutes are repealed.

19 **SECTION 4. Initial applicability.**

