

2001 Assembly Bill 123

Date of enactment: **April 22, 2002**

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2001 WISCONSIN ACT 94

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.

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

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

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

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

865.08 (1) (am) (intro.) ~~Where~~ If no personal representative is named or ~~where~~ if the named personal repre-

sentative fails to qualify, the personal representative shall be either a any of the following:

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

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

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 of the statutes are repealed.

SECTION 4. Initial applicability.

(1) This act first applies to informal administrations commenced as a result of deaths occurring on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].