

2017 DRAFTING REQUEST**Assembly Amendment (AA-AB607)**For: **Dan Feyen (608) 266-5300**Drafter: **fknepp**By: **Marie**

Secondary Drafters:

Date: **1/17/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Sen.Feyen@legis.wi.gov**Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
David.Moore@legis.wisconsin.gov**Pre Topic:**

No specific pre topic given

Topic:

Exceptions for person named as a personal representative

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 1/17/2018				
/1		anienaja 1/17/2018	lparisi 1/17/2018	lparisi 1/17/2018	

FE Sent For:

<END>

Knepp, Fern

From: Moore, David
Sent: Wednesday, January 17, 2018 2:21 PM
To: Knepp, Fern
Cc: Jolly, Marie
Subject: Drafting request

Fern,

I just spoke with Sen. Feyen's office, and Marie would like to request that you draft the amendment we discussed. Would you please draft an amendment to AB 607 that clarifies that s. 867.03 (1h) and (1j) do not apply to an heir, trustee, guardian, etc.?

Thanks,
David

David Moore
Wisconsin Legislative Council
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David.Moore@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1830/? / 1
FFK:... am
LMB

IN 1-17
today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 607

SA ✓
XRE ✓
PW ✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 7, line 17: after that line insert:

3 **SECTION 13d.** 867.03 (1h) of the statutes, as created by 2017 Wisconsin Act 90,
4 is amended to read:

5 ~~867.03 (1h)~~ EXCEPTION FOR REAL PROPERTY. A person named in the will as
6 personal representative may not receive any real property of the decedent by
7 providing an affidavit under sub. (1g) or have any evidence of interest, obligation to,
8 or right of the decedent in any real property of the decedent transferred to the person
9 named in the will as personal representative by providing an affidavit under sub.
10 (1g). This subsection does not apply to a person named in the will to act as personal
11 representative if the person is also an heir of the decedent, a trustee of a revocable

1 trust created by the decedent, or a person who was guardian of the decedent at the
2 time of the decedent's death.

History: 1973 c. 43; 1975 c. 380 s. 5; 1979 c. 29; 1989 a. 234; 1993 a. 16, 205, 437; 1995 a. 27 ss. 7197b to 7199c, 9126 (19); 1997 a. 27; 1999 a. 9, 94; 2005 a. 216, 387; 2007 a. 20 s. 9121 (6) (a); 2013 a. 20, 92; 2015 a. 55; 2017 a. 90.

3 **SECTION 13g.** 867.03 (1j) of the statutes, as created by 2017 Wisconsin Act 90,
4 is renumbered 867.03 (1j) (a) and amended to read:

5 867.03 (1j) (a) *Transfers to a person named to act as personal representative.*

6 ~~A~~ Subject to par. (b), a person who receives an affidavit under sub. (1g) from a person
7 named in the will to act as personal representative may not transfer any money due
8 the decedent, the property of the decedent, or any evidence of interest, obligation to,
9 or right of the decedent to the affiant until 30 days after the day on which the affidavit
10 is received. This paragraph does not apply to an affidavit under sub. (1g) received
11 from a person named in the will to act as personal representative if the person is also
12 an heir of the decedent, a trustee of a revocable trust created by the decedent, or a
13 person who was guardian of the decedent at the time of the decedent's death.

14 (b) If, during the 30-day period under par. (a), the person who received the
15 affidavit under par. (a) receives an affidavit under sub. (1g) for the same decedent
16 from another person, the person who received the affidavits may not transfer any
17 money due the decedent, the property of the decedent, or any evidence of interest,
18 obligation to, or right of the decedent under this section unless ordered to do so by
19 a court.

20 (c) Subsection (2) does not apply to a transfer if the transferor did not comply
21 with this subsection.”.

History: 1973 c. 43; 1975 c. 380 s. 5; 1979 c. 29; 1989 a. 234; 1993 a. 16, 205, 437; 1995 a. 27 ss. 7197b to 7199c, 9126 (19); 1997 a. 27; 1999 a. 9, 94; 2005 a. 216, 387; 2007 a. 20 s. 9121 (6) (a); 2013 a. 20, 92; 2015 a. 55; 2017 a. 90.