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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 893**

**Senate  
Amendment 1**

### **2021 SENATE BILL 893**

2021 Senate Bill 893 specifies requirements relating to the nonprobate transfer of an interest in a farm implement to a beneficiary upon the death of the owner. “Farm implement” is defined in the bill to include tractors and various types of machinery used exclusively and directly in farming.

The bill requires that a document designating a beneficiary be executed with certain formalities, including the signatures of at least two witnesses. The bill also specifies that a beneficiary designation does not affect the ownership of an item until the death of the owner. A beneficiary designation may be changed or cancelled at any time before an owner’s death by executing and recording another document designating a different beneficiary or no beneficiary.

### **SENATE AMENDMENT 1**

Senate Amendment 1 requires that one of the two witnesses required to witness a beneficiary designation must be a disinterested witness. The amendment defines a disinterested witness as an individual who is not designated as a beneficiary on the document for which that individual is acting as a witness.

As noted above, the bill requires that a change or cancellation of the designation of a beneficiary must be both executed and recorded. The amendment removes the bill’s requirement that a change or cancellation of a designation be recorded (generally aligning the requirement for changing or cancelling a designation with the requirement for making an initial designation).

### **BILL HISTORY**

Senate Amendment 1 was offered by Senator Ballweg on February 7, 2022. On February 9, 2022, the Senate Committee on Agriculture and Tourism recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 9; Noes, 0.

BK:jal