

ASSEMBLY AMENDMENT 1, TO ASSEMBLY BILL 280

May 4, 1967 - Offered by Assemblyman G.K. ANDERSON.

1 Amend the bill, as follows:

2 On page 85, line 7, after the period insert "To promote uniformity
3 in such fees and in recognition of the court's obligation to protect the
4 heirs of the estate, the fee of each appraiser shall be fixed by the court,
5 taking into consideration the time necessarily involved in the appraisal
6 and the responsibilities involved therewith, and any appraiser's fees
7 for an estate shall not exceed a total of \$100 unless extraordinary effort
8 and skills are required and such are found to be a fact by the court.".

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10 (End)

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ASSEMBLY AMENDMENT 2 ,
TO ASSEMBLY BILL 280IR B-5129
EP:jm:1

May 23, 1967 - Offered by Assemblymen DEVITT and McCORMICK,
by request of Milwaukee County.

1 Amend the bill, as follows:

2 1. On page 1, line 1, substitute "(1m) (b) and (c) and (3), 230.48 (1m)
3 (b) and (c) and (3)" for ", 230.48".

4 2. On page 1, line 5, after the semicolon insert "to renumber 230.47
5 (2) and 230.48 (2);".

6 3. On page 1, line 7, after "amend" insert "46.10 (1),".

7 4. On page 1, line 7, delete "49.08 (2),".

8 5. On page 1, line 8, after the semicolon insert "to repeal and re-
9 create 49.08 (2);".

10 6. On page 1, line 9, after "(4)" insert ", 230.47 (2), 230.48 (2)".

11 7. On page 2, line 22, after "SECTION 1." insert:

12 "46.10 (1) of the statutes is amended to read:

13 46.10 (1) Liability for outpatient services and supplies and for the
14 maintenance of patients in the institutions specified in this section and the
15 collection and enforcement of such liability is governed exclusively by
16 this section, except as provided in s. 49.08 (2) .

17 SECTION 1m."

18 8. On page 3, line 3, substitute "repealed and recreated" for "amended".

19 9. On page 3, delete lines 4 to 19 and insert therefor:

20 "49.08 (2) If any person prior to his death was a recipient of any

1 form of public assistance under this chapter or institutional care under
2 ch. 51, for which recovery is authorized by law, and at the time of death
3 held any property in joint tenancy, ss. 230.47 (2) and 230.48 (2) shall
4 apply and liability and recovery shall be the same as for recovery of
5 relief under sub. (1). Amounts may be recovered pursuant to this sub-
6 section for assistance or care granted both prior to and after the effective
7 date of this subsection (1967); and any amounts so recovered shall be paid
8 to the United States, this state and its political subdivisions in the propor-
9 tion in which they contributed to the payment of the assistance or care
10 granted."

11 10. On page 4, line 12, after "230.47" substitute "(1m) (b) and (c)
12 and (3)" for "and 230.48".

13 11. On page 4, after line 12, insert:

14 "SECTION 7c. 230.47 (2) of the statutes is renumbered 230.47 (3).

15 SECTION 7e. 230.47 (2) of the statutes is created to read:

16 230.47 (2) (a) Every petition for termination of a joint tenancy under
17 this section shall state whether the decedent was at any time prior to
18 death the recipient of any form of public assistance or institutional care.
19 If the petition fails to disclose that the decedent was not a recipient of
20 public assistance or institutional care, a copy of the petition shall be
21 sent by certified mail to the state department of public welfare and to the
22 clerk of the county of legal settlement of the decedent at the time of death
23 not less than 20 days prior to any court hearing under this section. Such
24 notice may be waived in writing by the county authority in charge of public
25 welfare of such county.

26 (b) Within 20 days after receipt of notice under par. (a) by the county
27 clerk, the county authority may file a claim in the proceeding alleging
28 liability under s. 49.08 (2). No certificate terminating joint tenancy
29 shall be issued or adjudication in a final judgment or order for assign-
30 ment regarding the termination of such joint tenancy shall be made or

1 given until the claim has been adjudicated. If the court finds in favor of
2 the claimant, it shall enter judgment on the claim stating the amount of
3 liability therefor. The judgment shall constitute a prior lien on such
4 property, real or personal, as the court designates and shall remain a
5 prior lien until satisfied or until the death of the surviving joint tenant
6 at which time recovery may be had by appropriate court proceedings with
7 respect to such property.

8 (c) The county authority shall file a copy of the judgment with a
9 description of the real property in the office of the register of deeds of
10 every county in which real property to which the judgment applies is
11 situated.

12 SECTION 7g. 230.48 (1m) (b) and (c) and (3) of the statutes are re-
13 pealed.

14 SECTION 7j. 230.48 (2) of the statutes is renumbered 230.48 (3).

15 SECTION 7L. 230.48 (2) of the statutes is created to read:

16 230.48 (2) (a) Every petition for termination of a joint tenancy under
17 this section shall state whether the decedent was at any time prior to
18 death the recipient of any form of public assistance or institutional care.
19 If the petition fails to disclose that the decedent was not a recipient of
20 public assistance or institutional care, a copy of the petition shall be
21 sent by certified mail to the state department of public welfare and to
22 the clerk of the county of legal settlement of the decedent at the time of
23 death not less than 20 days prior to any court hearing under this section.
24 Such notice may be waived in writing by the county authority in charge of
25 public welfare of such county.

26 (b) Within 20 days after receipt of notice under par. (a) by the county
27 clerk, the county authority may file a claim in the proceeding alleging
28 liability under s. 49.08 (2). No certificate terminating joint tenancy shall
29 be issued or adjudication in a final judgment or order for assignment re-
30 garding the termination of such joint tenancy shall be made or given until

1 the claim has been adjudicated. If the court finds in favor of the claimant,
2 it shall enter judgment on the claim stating the amount of liability therefor .
3 The judgment shall constitute a prior lien on such property, real or per-
4 sonal, as the court designates and shall remain a prior lien until satisfied
5 or until the death of the surviving joint tenant at which time recovery may
6 be had by appropriate court proceedings with respect to such property.

7 (c) The county authority shall file a copy of the judgment with a de-
8 scription of the real property in the office of the register of deeds of
9 every county in which real property to which the judgment applies is
10 situated." .

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(End)

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ASSEMBLY AMENDMENT 3 ,
TO ASSEMBLY BILL 280

LRB-5186
AMS:kc:l

May 24, 1967 - Offered by Assemblyman G.K. ANDERSON.

- 1 Amend the bill, as follows:
- 2 1. On page 13, in lines 6, 8 and 9 delete "1968" and substitute "1969".
- 3 2. On page 17, in line 6, delete "1968" and substitute "1969".
- 4 3. On page 48, in line 30, delete "1968" and substitute "1969".
- 5 4. On page 178, in line 21, delete "1968" and substitute "1969".

(End)

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ASSEMBLY AMENDMENT 4 ,
TO ASSEMBLY BILL 280

LRB-5200
BB:jm:l

May 24, 1967 - Offered by Assemblyman KENYON.

- 1 Amend the bill, as follows:
- 2 On page 14, line 18, after "administration" insert ", funeral and
- 3 burial".
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- 5 (End)
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ASSEMBLY AMENDMENT 5 ,
TO ASSEMBLY BILL 280

May 25, 1967 - Offered by Assemblyman KESSLER, by request of
Milwaukee County.

1 Amend the bill, as follows:

2 1. On page 1, line 7, after "253.10 (1)," insert "253.34 (1) (e) and
3 (g),".

4 2. On page 5, before line 6, insert:

5 "SECTION 10m. 253.34 (1) (e) and (g) of the statutes are amended
6 to read:

7 253.34 (1) (e) For receiving a will for safekeeping, except under
8 s. ~~310.02, \$1~~ 856.05 (1), \$5.

9 (g) For copies of records or other papers in the custody and charge
10 of registers in probate at the rate of 50 cents a page; and for the compari-
11 son and attestation of such copies as are not provided by the registers,
12 ~~25~~ 50 cents for each page, but the minimum charge in each of the above
13 mentioned instances is \$1, including the certificate."

14 3. On page 178, at approximately line 5, delete the line beginning
15 "253.34 (1) (e)".

16 (End)

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ASSEMBLY AMENDMENT 6 ,
TO ASSEMBLY BILL 280

May 25, 1967 - Offered by Assemblymen FROEHLICH, DEVITT and
McKAY.

1 Amend the bill, as follows:

2 1. On page 91, after line 18, insert:

3 "(a) Provisions for the family of the decedent under ss. 861.31,
4 861.33 and 861.35."

5 2. On page 91, line 19, substitute "(b)" for "(a)".

6 3. On page 91, delete line 20 and substitute therefor:

7 "(c) Reasonable and necessary funeral and burial expenses."

8 4. On page 91, delete lines 21 and 22.

9 5. On page 91, after line 24, insert:

10 "(e) Claims by the county institutions or county welfare department
11 for medical care and maintenance and for assistance and support charge-
12 able to the decedent."

13 6. On page 91, line 25, substitute "(f)" for "(e)".

14 7. On page 91, line 27, substitute "(g)" for "(f)".

15 8. On page 91, line 30, substitute "(h)" for "(g)".

16 9. On page 92, line 1, substitute "(i)" for "(h)".

17 (End)

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ASSEMBLY AMENDMENT 7 ,
TO ASSEMBLY BILL 280

LRB-5316
MV:de:l

June 2, 1967 - Offered by Assemblyman HELD.

1 Amend the bill, as follows:

2 1. On page 13, delete lines 4 to 14 and substitute:

3 "851.001 EFFECTIVE DATE, PROBATE CODE. Except as pro-
4 vided in Section 27, Chapters 851 (except s. 851.51), 856, 857, 858,
5 859, 860, 862, 863 (except s. 863.13), 867, 868, 878, and 879 are ef-
6 fective as of July 1, 1969. Except as provided in Section 27, Chapters
7 852 and 861 and ss. 851.51 and 863.13 are effective as to any person
8 dying on or after July 1, 1969. Except as provided in Section 27, Chapter
9 853 is effective as to the will of any testator dying on or after July 1,
10 1969, except that it is inapplicable to a will executed prior to the publi-
11 cation of the chapter if it is proved the testator lacked testamentary
12 capacity at the time of such enactment, unless the testator subsequently
13 regained capacity to make a valid will and had such capacity for a period
14 of 6 months; a will so excepted is governed by the statutes applicable at
15 the time the testator executed his will."

16 2. On page 178, delete lines 20 to 23 and substitute:

17 "SECTION 27. EFFECTIVE DATE. This act shall take effect July 1,
18 1969, except as otherwise provided in this section, and it shall be pub-
19 lished in the official state paper immediately after its passage and ap-
20 proval and shall be printed in the 1967 session laws and in the 1967

1 statutes on tinted paper. Section 27 of this act shall be effective im-
2 mediately after passage and publication thereof. The remaining pro-
3 visions of this act shall not be effective until such time as the 1969 legis-
4 lature has completed final action on the bills which shall be submitted
5 by the State Bar of Wisconsin Probate Code Advisory Committees, for
6 the purpose of proposing amendments to this act; and such remaining
7 provisions shall not be effective until such time as they are enacted into
8 law by the 1969 legislature and approved by the governor."

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(End)

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ASSEMBLY AMENDMENT 8 ,
TO ASSEMBLY BILL 280LRB-5562
PP:de:1

June 15, 1967 - Offered by Assemblymen N.C. ANDERSON, HELD and
UEHLING.

1 Amend the bill, as follows:

2 1. On page 22, line 13, after the first "the" delete all the material
3 in lines 13 and 14 and substitute "intestate's next of kin in equal degree."

4 2. On page 135, line 14 after "fund" insert "provided, however,
5 that in those instances where money or other property is escheated to
6 the state, or deposited for safekeeping in the state treasury, or added
7 to the capital of the school fund, such money or property shall be held
8 by the state until such time as the court may determine, upon the claim
9 of a person asserting a right to such funds, that he is entitled thereto.
10 Such claim shall be made in the manner provided in s. 863.39 (3), except
11 that there shall be no limit upon the time within which such a claim may
12 be filed".

13 3. On page 135, line 21, after the second "money" insert "or property".

14 4. On page 135, line 30, after "interest" insert ", but including any
15 increments which may have occurred on securities held".

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17 (End)

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ASSEMBLY AMENDMENT 9,
TO ASSEMBLY BILL 280LRB -6218
EP:ks:1

June 30, 1967 - Offered by Assemblyman G. K. ANDERSON.

1 Amend the bill, as follows:

2 1. On page 13, lines 6, 8, and 9, substitute "January 1, 1970" for
3 "July 1, 1968".

4 2. On page 17, line 6, substitute "January 1, 1970" for "July 1, 1968".

5 3. On page 48, line 30, substitute "January 1, 1970" for "July 1, 1968".

6 4. On page 178, line 21, substitute "January 1, 1970" for "July 1, 1968".

7 5. On page 178, before the period in line 23, insert:

8 "and the probate code shall incorporate all acts relating thereto passed by the
9 1969 legislature. The act shall be published in the official state paper
10 immediately after its passage and approval and shall be printed in the
11 1967 session laws and statutes on tinted paper".

12 (End)

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ASSEMBLY AMENDMENT 10 ,
TO ASSEMBLY BILL 280

LRB-6472
MV:kc:1

July 25, 1967 - Offered by Assemblyman SOIK.

1 Amend the bill, as follows:

2 1. On page 1, line 9, after "72.05 (4)" insert ", 319.115".

3 2. On page 10, before line 17, insert:

4 "SECTION 21m. 319.115 of the statutes is created to read:

5 319.115 GUARDIAN AD LITEM; MAXIMUM FEES FOR COURT

6 APPEARANCES. Any person appointed as a guardian ad litem in any

7 proceeding may charge not more than \$25 an hour for any appearances

8 in court."

9 3. On page 164, line 27, after "court" insert ", subject to s. 319.115,".

10 4. On page 168, delete line 5, and substitute:

11 "(1) To appraisers, a fee of \$20 an hour. The court shall appoint
12 appraisers who are members of one of the following recognized appraisal
13 organizations:

14 (a) The appraisal institute.

15 (b) Society of real estate appraisers.

16 (c) American right of way association."

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(End)

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ASSEMBLY AMENDMENT 11 ,
TO ASSEMBLY BILL 280

July 25, 1967 - Offered by Assemblyman SOIK.

1 Amend the bill, as follows:

2 On page 164, line 9, delete "or incompetent" and substitute therefor
3 ", if the court determines that such minor will not be represented by a
4 conscientious parent, or is incompetent,".

5 (End)

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ASSEMBLY AMENDMENT 12,
TO ASSEMBLY BILL 280

LRB -6476
MV:ks:l

July 25, 1967 - Offered by Assemblyman SOIK.

1 Amend the bill, as follows:

2 On page 168, line 3, delete "an amount to be fixed by the court" and
3 substitute "a fee of \$20 an hour to be paid by the state and not to be
4 chargeable to the estate".

5 (End)

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ASSEMBLY AMENDMENT 13,
TO ASSEMBLY BILL 280

LRB-6500
EP:de:1

July 27, 1967 - Offered by Assemblyman SOIK.

1 Amend the bill, as follows:
2 On page 168, after line 7, insert "(3a) To attorneys, \$25 an hour.
3 This fee applies to terminations of joint tenancy."
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5 (End)
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