

**2003 DRAFTING REQUEST**

**Bill**

Received: 10/15/2003

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Bus. Assn. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wirch@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Defunct Roman Catholic congregations

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/15/2003	jdye 11/11/2003		_____			
/1			pgreensl 11/11/2003	_____	sbasford 11/11/2003	lnorthro 11/26/2003	

FE Sent For:

<END>

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*Jacket  
per  
phone call  
from  
Wirch's  
office*

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1?	rmarchan	1/10 jld	10/11 PR	11/11 selb			

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<END>

1        **AN ACT** to amend 187.19 (11) of the statutes; **relating to:** removing reference to  
 2        defunct incorporated Roman Catholic congregations.

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

3        **SECTION 1.** 187.19 (11) of the statutes is amended to read:

4        187.19 (11) TITLE TO PROPERTY ON DISSOLUTION. Whenever any such corporation shall  
 5        ~~become defunct or~~ be dissolved the property thereof shall vest in the bishop of the diocese in  
 6        which such corporation is located, and if within three years from the date of such dissolution  
 7        said congregation be reincorporated in the manner prescribed by this section the said property  
 8        so belonging to such ~~defunct or~~ dissolved corporation at the time of its dissolution shall vest  
 9        in such new corporation.

**COMMENT:** 1. Removes reference to “defunct” incorporated Roman Catholic congregations from the provision treating title to property of defunct or dissolved Roman Catholic corporations organized under s. 187.19, stats. There is no other reference in the statutes to a defunct incorporated Roman Catholic congregation.

2. Reference to defunct religious societies, other than Roman Catholic congregations, appears in ss. 187.08, 187.10 (9), 187.11, and 187.15 (4), stats. See, also, *Conference of Trustees v. Culver*, 2001 WI 55, 243 Wis. 2d 394, 627 N.W.2d 469 (2001). Reference to defunct affiliated county and local historical societies is found in s. 44.03 (3), stats.

3. Should a provision be included to deal with defunct corporations organized under s. 187.19, possibly defining “defunct” in order to distinguish defunct corporations from dissolved, merged, or consolidated corporations?

4. It is not clear that removal of reference to “defunct” corporations will clarify the treatment of merged or consolidated corporations under s. 187.19. Section 187.19 does not directly address merger or consolidation (cf. 1999 Assembly Bill 189). Furthermore, Roman

Catholic church law may affect the application of s. 187.19 to merger and consolidation issues.

1  
2  
3  
4

**SECTION 2. Initial applicability.**

(1) The treatment of section 187.19 (11) of the statutes first applies to corporations that become defunct on the effective date of this subsection.

(END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-35042 2

RJM:...

(11/14)

Jld [Signature]

IN: 10-15

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: defunct incorporated Roman Catholic congregations.

*Analysis by the Legislative Reference Bureau*

Current law specifies how title passes when an incorporated Roman Catholic congregation becomes defunct or is dissolved. This bill removes the relevant references to defunct congregations. Thus, under this bill, the law will specify how title passes when an incorporated Roman Catholic congregation is dissolved, but not when such a congregation becomes defunct.

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

2 SECTION 1. 187.19 (11) of the statutes is amended to read:

3 187.19 (11) TITLE TO PROPERTY ON DISSOLUTION. Whenever any such corporation  
4 shall become defunct or be is dissolved the its property thereof shall vest in the bishop  
5 of the diocese in which such the corporation is located, and except that if within three  
6 years from the date of such dissolution said the congregation be is reincorporated in  
7 the manner prescribed by this section, the said property so belonging to such defunct



1 ~~or dissolved~~ <sup>✓</sup> the corporation at the time of its dissolution shall vest in such ~~the~~ new  
2 corporation.

3 **History:** 1979 c. 110; 1985 a. 332; 1989 a. 306; Stats. 1989 s. 187.19; 1993 a. 184, 301; 1995 a. 27, 260.

**(END)**