

2005 DRAFTING REQUEST

Bill

Received: **02/28/2006**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Scott Adrian**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of gifts by school districts

Instructions:

See Attached

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>
/?	pgrant 03/08/2006	wjackson 03/27/2006		_____			
/1			rschluet 03/27/2006	_____	sbasford 03/27/2006	lnorthro 04/07/2006	

FE Sent For:

↳ NA

<END>

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/?	pgrant						
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1wly 3/27

3276
JF
<END>

FE Sent For:

Grant, Peter

From: Adrian, Scott
Sent: Monday, February 27, 2006 11:36 AM
To: Grant, Peter
Cc: jonrichards_wi@yahoo.com
Subject: RE: Bill request

Peter -

This issue has come back from a concerned constituent.

I forwarded your note below to our constituent, explaining that these statutes would appear to cover the question of wanting a specific gift to a school be so given.

Below is an email from the Rep. Richards, he would like to draft a bill to specifically add class gifts into this statute to make sure that gifts made in that way are expressly part of law. I also include the representative's email because he feels there is some ambiguity in the current statutes.

Please advise if we can make them even more specific to address the concerns of our constituent.

If you have any questions on this, you may contact myself or Rep. Richards in Milwaukee at his law firm at 414-774-2920.

Thank you.

Scott Adrian
Office of Rep. Richards
608-266-0650

Scott

Please forward to LRB drafting instructions for a bill to amend the current statutes dealing with gifts to MPS. The current statute is unclear. Although the statute references a trust into which all such gifts must be transferred, it is not clear whether that trust applies to the individual school or to the district as a whole. In fact, the MPS board is interpreting that statute to mean that gifts given to the district be held in a trust set aside for all gifts. So, for example, if Smith gave \$10,000 to Pulaski HS, You gave \$20,000 to Hamilton HS, and I gave \$5,000 to Riverside, all of those gifts are currently deposited into the same trust fund that ultimately benefits the entire district.

I would like a bill that clarifies that when you give 20k and make clear that you want it to benefit Hamilton, that money stays in a fund just for Hamilton and cannot be used for the other district or another school. Only if Hamilton closed could that be used for the entire district.

In Chuck's case, paintings were given to Washington HS as a class gift. I would also like the statute to clarify that when a class gift is given to a school it will be assumed that it is given as a gift to the school and not to the entire district.

If the drafter has questions, please have them call me.

Thanks

Jon

From: Grant, Peter

Sent: Monday, November 28, 2005 2:47 PM
To: Adrian, Scott
Subject: Bill request

Scott, it seems to me that current law already addresses the situation you described to me and resolves it the way you want it resolved. See below. Section 118.27, stats., is for all school districts other than MPS; s. 119.18 (16), stats., is for MPS. Maybe the officials at MPS are unaware of this provision?

118.27 Gifts and grants. The school board of a district may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property, real or personal, used or useful for school research and educational purposes. All moneys received as gifts or grants shall be placed in the school district treasury but shall be considered segregated trust funds. *Whenever a school board receives gifts or grants under this section, it shall make such use thereof, or invest the same in the case of moneys, as the donor or grantor specifies.* In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the school board may determine the use of or invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the school board may exercise the rights and powers generally conferred upon trustees.

119.18 (16) Gifts and grants. The board may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. *The board shall make such use of gifts or grants, or invest the same in the case of moneys, as the donor or grantor specifies.* In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the board may determine the use of or may invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the board may exercise the rights and powers generally conferred upon trustees.

If you need more information, let me know. If I don't hear from you, I'll assume that this solves the problem. OK?

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.state.wi.us

Grant, Peter

From: Grant, Peter
Sent: Tuesday, February 28, 2006 11:10 AM
To: Adrian, Scott
Subject: RE: Bill request

Adrian, I read your email and Representative Richard's email, and I reread the statute, and I still don't understand how MPS can use a gift or grant in a manner that is contrary to the donor's or grantor's wishes. The second sentence of s. 119.18 (16) seems clear to me. Is there someone at MPS I could talk to who would be able to explain to me their rationale for using a gift or grant in a manner contrary to the donor's or grantor's wishes?

It may be a good idea to exercise a bit of caution in this area. I'm a little concerned that if the statute is clear, but a bill is introduced that "clarifies" current law, the proposal may be cited by MPS as evidence that current law does *not* require the board to use a gift or grant in a manner consistent with the donor's or grantor's wishes.

Peter

From: Adrian, Scott
Sent: Monday, February 27, 2006 11:36 AM
To: Grant, Peter
Cc: jonrichards_wi@yahoo.com
Subject: RE: Bill request

Peter -

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Scott Adrian
Office of Rep. Richards
608-266-0650

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119.18 (16) Gifts and grants. The board may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. *The board shall make such use of gifts or grants, or invest the same in the case of moneys, as the donor or grantor specifies.* In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the board may determine the use of or may invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the board may exercise the rights and powers generally conferred upon trustees.

If you need more information, let me know. If I don't hear from you, I'll assume that this solves the problem. OK?

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.state.wi.us

3/8/06

Tel call w/ Rep Richard:

if given as a "class gift", must stay w/
school (unless gift specifies otherwise)

2005

Date (time) needed

soon

LRB - 4767 / 1

PK : WJ :

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: . . .

gifts or grants made to a school district by a particular class.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create → anal: → title: → head**

For the subheading, execute: **create → anal: → title: → sub**

For the sub-subheading, execute: **create → anal: → title: → sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create → anal: → text**

(attached) ✓

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

SECTION #.

(S) (B)

Section #. 118.27 of the statutes is amended to read:

118.27 Gifts and grants. The school board of a district may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property, real or personal, used or useful for school research and educational purposes. All moneys received as gifts or grants shall be placed in the school district treasury but shall be considered segregated trust funds. Whenever a school board receives gifts or grants under this section, it shall make such use thereof, or invest the same in the case of moneys, as the donor or grantor specifies. In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the school board may determine the use of or invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the school board may exercise the rights and powers generally conferred upon trustees.

(Not)
Whenever a school board receives a class gift, with no specific direction as to the use of the gift or grant, the school board shall use the gift for the benefit of that school. If a gift or grant is not a class gift, and no

or grant
from a class of a particular school;

①②
Section #. 119.18 (16) of the statutes is amended to read:

119.18 (16) GIFTS AND GRANTS. The board may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. The board shall make such use of gifts or grants, or invest the same in the case of moneys, as the donor or grantor specifies. ~~In the absence of any~~ specific direction as to the use of such gifts or grants by a donor or grantor, ^{the gift or grant is provided by the} the board may determine the use of or may invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the board may exercise the rights and powers generally conferred upon trustees.

History: 1973 c. 16, 21, 91, 188, 243; 1981 c. 96 ss. 45, 46, 67; 1981 c. 335; 1985 a. 225 ss. 67, 69; 1989 a. 31, 290; 1993 a. 492; 1995 a. 27; 1997 a. 164.

③
If the board receives a gift or grant from a class of a particular school, with no specific direction as to the use of the gift or grant, the board shall use the gift or grant for the benefit of that school. If a gift or grant is not a class gift or grant and no

Score

2005

Nonstat File Sequence: **E E E**

LRB _____ / _____
_____ : _____ : _____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: **create** → **action:** → *NS: → **inappl**
 For the budget action phrase, execute: **create** → **action:** → *NS: → **93XX**
 For the text, execute: **create** → **text:** → *NS: → **inappl**
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9300** department code.

SECTION # **[93** **]**. **Initial applicability;**

(#1) ()

..... The treatment of sections ..

..... of the statutes

first applies to

- In the component bar:
 For the action phrase, execute: **create** → **action:** → *NS: → **inappl**
 For the text, execute: **create** → **text:** → *NS: → **inapplA**
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # A . **Initial applicability;** B

..... This act first

applies to a gift or grant received by a
school board on the effective date of this
subsection 0

(Encl)

Analysis

① Under current law, whenever a school board receives a gift or grant it must use or invest the gift or grant ~~or invest the gift or grant~~ as the donor or grantor specified in the absence of any specific direction on the use of a gift or grant, the school board may determine the use.

② This bill provides that if a school board receives a gift or grant from a class of a particular school, with no specific direction on the use of the gift or grant, the school board must use the gift or grant for the benefit of that school.

Northrop, Lori

From: Adrian, Scott
Sent: Friday, April 07, 2006 3:32 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4767/1 Topic: Use of gifts by school districts

Please Jacket LRB 05-4767/1 for the ASSEMBLY.