

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0165/P1dn  
TKK:jld:rs

October 17, 2006

Senator Decker:

As drafted, this bill first applies to gifts, bequests, or endowments made on or after the effective date. Is that okay?

In addition to the change you requested, I made several changes to section 43.58 (7) (b) of the statutes intended to eliminate surplusage and increase consistent use of terms throughout the paragraph.

This bill eliminates all references to the term, "devise," but retains the terms "gift," "bequest," and "endowment." The terms, "bequest" and "devise," are both defined by Blacks Law Dictionary (Eighth Edition) to mean property disposed of in a will or the act of giving property by will. For that reason, the use of both words in this paragraph is unnecessary. I chose to retain "bequest" rather than "devise" because the term, "devise," traditionally referred to testamentary gifts of land or realty, and was, thereby, a subset of bequest.

Please let me know if you have any questions or would like additional or alternative language.

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