

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/08/2006**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb Worcester**

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - libraries**

Extra Copies: **Peter Grant**

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Authorizing the transfer of donations from libraries to certain charitable organizations

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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>
/?							
/P1	tkuczens 09/27/2006	jdye 10/17/2006	rschluet 10/17/2006	_____	sbasford 10/17/2006		
/1	tkuczens 12/08/2006	kfollett 12/08/2006	rschluet 12/08/2006	_____	sbasford 12/08/2006	sbasford 12/08/2006	

FE Sent For: *none*

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/P1	tkuczens 09/27/2006 tkuczens	jdyer 10/17/2006 <i>11 kif</i> <i>12/8</i>	rschluet 10/17/2006 <i>[Signature]</i> <i>12/8</i>		sbasford 10/17/2006	<i>Jacket</i> <i>for Senate</i> <i>X</i>	

FE Sent For:

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/?	tkuczens	PI 10/17 jld					

FE Sent For:

<END>

# Bill Request Form

Legislative Reference Bureau  
100 N. Hamilton Street  
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.  
Use this form only for bill draft requests. Attach more pages if necessary.

Date 19 APR 06

Legislator, agency, or other person requesting this draft Decker

Person submitting request (name and phone number) Barb Worcester 6-2502

Persons to contact for questions about this draft (names and phone numbers) Barb Worcester  
6-2502

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy. see attached

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO  
Any legislator? YES NO

Only the following persons Rep<sup>ment</sup> Williams & her staff

Do you consider this request urgent? YES  NO If yes, please indicate why not needed for this session. NO rush.

Should we give this request priority over any pending request of this legislator, agency, or person?

YES  NO

*thank you*

---

**JENSEN, SCOTT & GRUNEWALD, S.C.**

A Wisconsin Service Corporation  
128 West Division Street  
P.O. Box 426  
Medford, WI 54451  
(715) 748-2211  
Fax (715) 748-5811  
jensenscottlaw@charter.net

CORLISS V. JENSEN  
RAYMOND H. SCOTT  
WILLIAM A. GRUNEWALD  
MICHAEL D. SHIFFLER

April 12, 2006

Senator Russell S. Decker  
P.O. Box 7882  
Madison, WI 53707-7882

Mary Williams  
Representative to the Assembly  
P.O. Box 8953  
Madison, WI 53707-8953

Re: Donation and Bequest to Library

Dear Mary & Russ:

I am writing to ask that you consider taking legislative action concerning an issue that recently arose concerning the Medford Public Library board and the Medford Library Foundation, Inc.

I am the president of the Medford Library Foundation, Inc. It is a non-profit corporation in the State of Wisconsin and is qualified under Internal Revenue Code 501(c)(3) as a charitable organization. It is devoted solely to the long-term support of the public library in Medford.

Genevieve Dodsworth was a long-time supporter of the Medford library. After her passing, she donated, through her trust, \$20,000 in U.S. Savings Bonds to the Medford Public Library. This donation occurred in 2003. In 2005, her family contacted the Medford Library board with the request the \$20,000 in bonds be transferred to the Medford Library Foundation, Inc. The library board agreed, and the bonds were transferred to the foundation. Mrs. Dodsworth and with her family were given recognition on the "Giving Tree" that the foundation has established at the library.

Apparently, as a result of an audit conducted concerning the library board finances, an issue was raised as to whether the library board had the power to do this. In reviewing the Wisconsin Statutes, specifically Wis. Stat. §43.58(7)(b), it does not appear the board had that authority. At its April 12, 2006 meeting, the Medford Library Foundation, Inc. voted to return the bonds to the library board.

Re: Donation and Bequest to Library

April 12, 2006

Page 2

Ann Harris, the director of the Medford Library, researched this issue and discovered that a number of libraries throughout the state have in fact redirected donations and bequests to their library foundation. I assume that many library foundations are organized like ours to provide for long-term support for the library.

I am writing you at this time to request you considering introducing legislation that would expand the power of a library board, under Wis. Stat. §43.58(7)(b), to include the ability of the library board to transfer gifts, bequests, devises or endowments to a non-profit library foundation that is recognized by the IRS under Internal Revenue Code §501(c)(3) and is devoted solely to support of the library. I believe this has been the practice throughout the state and it makes sense to give a library board this option.

I enclose with this letter a pamphlet concerning our library foundation. Should you have any questions concerning this request, please do not hesitate to call.

Very truly yours,

JENSEN, SCOTT & GRUNEWALD, S.C.

By: 

William A. Grunewald

WAG:jss

Enc.

pc: John Fales, City of Medford  
Shirley Lemke  
Jim Klinner  
Ann Harris  
Liz Archibald  
Mary Sarver  
Joann Simek  
Darlene Halgren  
Elmer Balko  
Brian Kulas



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0165/2 PI

TKK.....

10/24

In 9-27

RM Run

dnote

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: authorizing library boards to transfer a gift, bequest, or  
2 endowment to certain charitable organizations. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, the library board of a public library may transfer donations made to the library to the treasurer of the municipality or county in which the library is located; entrust them to a public depository; or transfer them to the library board's financial secretary. ✓

This bill allows a library board to transfer donations made to the library to a charitable organization exempt from federal income tax under the Internal Revenue Code, provided the organization's purpose is to provide support for the public library.

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

3 SECTION 1. 43.58 (7) (b) of the statutes is amended to read:  
4 43.58 (7) (b) If a gift, bequest, devise, ✓ or endowment is made to any public  
5 library, the library board may pay or transfer the gift, bequest, <sup>plain</sup> devise, or endowment,  
6 or its proceeds, to the treasurer of the municipality or county in which the public  
7 library is situated; may entrust <sup>✓</sup> any such funds the gift, bequest, or endowment to



SECTION 1

1 a public depository under ch. 34; <sup>plain</sup> or may pay or transfer the gift, bequest, devise, or  
 2 endowment to the library board's financial secretary; or may pay or transfer the gift,  
 3 bequest, or endowment to a charitable organization, described in section 501 (c) (3)  
 4 of the Internal Revenue Code and exempt from federal income tax under section 501  
 5 (a) of the Internal Revenue Code, the purpose of which is providing financial or  
 6 material support to the public library. If the library board pays or transfers the gift,  
 7 bequest, devise, or endowment to the financial secretary, the financial secretary may  
 8 invest the gift, bequest, devise, or endowment as permitted under s. 66.0603 (1m) or  
 9 112.10 (4); or may delegate investment authority for the gift, bequest, devise, or  
 10 endowment as permitted under s. 66.0603 (2) or 112.10 (5). The financial secretary  
 11 shall hold office only during membership on the library board and shall be elected  
 12 annually at the same time and in the same manner as the other officers of the library  
 13 board.

History: 1971 c. 152 ss. 10, 20; 1977 c. 26, 418; 1985 a. 176; 1985 a. 177 ss. 42, 43, 48 to 50, 52; 1985 a. 225, 332; 1987 a. 252; 1993 a. 399; 1995 a. 201, 264; 1997 a. 150; 2005 a. 226.

14 **SECTION 2. Initial applicability.** This act first applies to a gift, bequest, or  
 15 endowment made on the effective date of this paragraph <sup>subsection</sup>  
 16

(END)

d-note  
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DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

PI  
LRB-0165/3dn

TKK-1

JLD

date

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) intended to eliminate surplusage and increase consistent use of terms throughout the paragraph.

This draft 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.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-8967  
E-mail: tracy.kuczenski@legis.wisconsin.gov

of the statutes

the bill

\*

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

LRB-0165/P1dn  
TKK:jld:rs

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in stays

In 12/8/06 for

Due  
12/11/06

**2007 BILL**

No Changes

Reyen

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2 boards to transfer a gift, bequest, or endowment to certain charitable  
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7 or its proceeds, to the treasurer of the municipality or county in which the public

**BILL****SECTION 1**

1 library is situated; may entrust ~~any such funds~~ the gift, bequest, or endowment to  
2 a public depository under ch. 34; ~~or~~ may pay or transfer the gift, bequest, devise, or  
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13 annually at the same time and in the same manner as the other officers of the library  
14 board.

**SECTION 2. Initial applicability.**

15  
16 (1) This act first applies to a gift, bequest, or endowment made on the effective  
17 date of this subsection.

18 (END)