

2001 ASSEMBLY BILL 616

November 6, 2001 – Introduced by Representatives NASS, PETROWSKI, JENSEN, GRONEMUS, SUDER, LOEFFELHOLZ, ALBERS, HAHN, KRAWCZYK, MUSSER, DUFF, OWENS, GROTHMAN, URBAN, FREESE, GUNDERSON, AINSWORTH, J. FITZGERALD, OTT, KESTELL, SYKORA, LEIBHAM, WARD and VRAKAS, cosponsored by Senators S. FITZGERALD, KANAVAS, ROESSLER, SCHULTZ and WELCH. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber* 16.845 (2) (a); *to amend* 120.13 (17); and *to create* 16.845
 2 (1m), 16.845 (2) (ab), (ac) and (as) and 66.0436 of the statutes; **relating to:**
 3 prohibiting state agencies or authorities and local governmental units from
 4 discriminating against federally chartered corporations.

Analysis by the Legislative Reference Bureau

Under current federal law, there are nearly 100 organizations that are federally chartered. These organizations include the Agricultural Hall of Fame, the American Academy of Arts and Letters, the American Gold Star Mothers, the American Hospital in Paris, the American Legion, the AMVETS, Big Brothers–Big Sisters of America, the Boy Scouts of America, the Catholic War Veterans, the Civil Air Patrol, the Daughters of Union Veterans of the Civil War, the Frederick Douglass Memorial and Historical Association, the Future Farmers of America, the Girl Scouts, Italian American War Veterans, Jewish War Veterans, Little League Baseball, National Academy of Sciences, National Society of Daughters of the American Colonists, the Naval Sea Cadet Corps, the Theodore Roosevelt Association, the United States Olympic Committee, the Veterans of Foreign Wars, and the Vietnam Veterans of America.

Also under current law, school boards may grant the temporary use of school grounds, buildings, facilities, or equipment, under conditions determined by the board, to any responsible person for any lawful nonschool purpose if the use does not interfere with use for school purposes or school–related functions. Fees, not to exceed

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actual costs, may be imposed by the board for the use of school grounds, buildings, facilities, or equipment.

This bill prohibits a state agency or authority and a local governmental unit (which includes a political subdivision of this state, a special purpose district in this state, or any instrumentality or subunit of either of them) from treating a federally chartered corporation differently from how the agency, authority, or local governmental unit treats any other organization in the use or rental of the grounds, buildings, facilities, or equipment (facilities) of a state agency or authority or a local governmental unit, except that if the state agency or authority or the local governmental unit establishes membership or leadership policies with respect to users of its facilities it may not use the membership or leadership policies of a federally chartered organization as the basis for denying such use or rental.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.845 (1m) of the statutes is created to read:

2 16.845 **(1m)** USE BY FEDERALLY CHARTERED CORPORATIONS. No agency or
3 authority may treat a federally chartered corporation differently than the agency or
4 authority treats any other organization in the use or rental of the grounds, buildings,
5 facilities, or equipment of the agency or authority, except that, if an agency or
6 authority establishes membership or leadership policies with respect to users or
7 renters of its grounds, buildings, facilities, or equipment, it shall not use the
8 membership or leadership policies of a federally chartered organization as the basis
9 for denying such use or rental.

10 **SECTION 2.** 16.845 (2) (a) of the statutes is renumbered 16.845 (2) (am).

11 **SECTION 3.** 16.845 (2) (ab), (ac) and (as) of the statutes are created to read:

12 16.845 (2) (ab) “Agency” has the meaning given in s. 16.70 (1).

13 (ac) “Authority” has the meaning given in s. 16.70 (2).

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1 (as) “Federally chartered corporation” means an organization that is listed in
2 36 USC subtitle II, part B.

3 **SECTION 4.** 66.0436 of the statutes is created to read:

4 **66.0436 Discrimination; federally chartered corporations. (1)**

5 DEFINITIONS. In this section:

6 (a) “Federally chartered corporation” means an organization that is listed in
7 36 USC subtitle II, part B.

8 (b) “Local governmental unit” means a political subdivision of this state, a
9 special purpose district in this state, an instrumentality or corporation of such a
10 political subdivision or special purpose district, a combination or subunit of any of
11 the foregoing, or an instrumentality of the state and any of the foregoing.

12 **(2) LOCAL GOVERNMENTAL UNITS.** No local governmental unit may treat a
13 federally chartered corporation differently from how the local governmental unit
14 treats any other organization in the use or rental of the grounds, buildings, facilities,
15 or equipment of a local governmental unit, except that, if a local governmental unit
16 establishes membership or leadership policies with respect to users or renters of its
17 grounds, buildings, facilities, or equipment, it may not use the membership or
18 leadership policies of a federally chartered organization as the basis for denying such
19 use or rental.

20 **SECTION 5.** 120.13 (17) of the statutes is amended to read:

21 120.13 **(17) TEMPORARY USE OF SCHOOL PROPERTY.** ~~Grant~~ Subject to s. 66.0436,
22 grant the temporary use of school grounds, buildings, facilities, or equipment, upon
23 such conditions, including fees not to exceed actual costs, as determined by the school
24 board, to any responsible person for any lawful nonschool purpose if such use does
25 not interfere with use for school purposes or school-related functions. Fees received

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1 under this subsection shall be paid into the school district treasury and accounted
2 for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the
3 school board secondarily liable, for any damage to property and for any expense
4 incurred in consequence of any use of school grounds, buildings, facilities, or
5 equipment under this subsection.

6 (END)