

**2001 DRAFTING REQUEST**

**Bill**

Received: **12/12/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**

By/Representing: **Don Dyke**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters: **grantpr**

Subject: **Munis - miscellaneous  
Counties - miscellaneous  
Discrimination - public accomod**

Extra Copies: **GMM**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Treatment of federally chartered groups by local governmental units

**Instructions:**

Prohibit "general and special purpose" local governmental units from treating federally chartered groups differently from any other group. No penalty for non-compliance.

**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	shoveme 01/11/2001 gilfokm 10/02/2001	gilfokm 01/19/2001 gilfokm 10/02/2001	pgrecons 01/31/2001	_____	lrb_docadmin 01/31/2001		Local
/1			kfollet 10/03/2001	_____	lrb_docadmin 10/03/2001	lrb_docadminS&L 10/03/2001	

FE Sent For:

LA+ intro.

<END>

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/P1	shoveme 01/11/2001	gilfokm 01/19/2001	pgreensl 01/31/2001	_____	lrb_docadmin 01/31/2001		Local
	gilfokm 10/02/2001	gilfokm 10/02/2001		_____			
/1			kfollet 10/03/2001	_____	lrb_docadmin 10/03/2001		S&L

**FE Sent For:**

**<END>**

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/P1	shoveme 01/11/2001	gilfokm 01/19/2001	pgreensl 01/31/2001	_____	lrb_docadmin 01/31/2001		Local
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11 Nass 9/19/01 - 10/king  
FE Sent For:

kjg  
10/13  
kjg/pjg  
10/13  
<END>

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Subject: Munis - miscellaneous  
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Prohibit "general and special purpose" local governmental units from treating federally chartered groups differently from any other group. No penalty for non-compliance.

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17	shoveme	PI-1/KMG 11-01	1/30 DG	1/31 DG/RS	(submit)		
PI MES 1/11/01							

FE Sent For:

<END>



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1453/P1

MES&PG...

*King*  
*RMP*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Dnote*

*gen*

1 AN ACT... relating to: prohibiting local governmental units from discriminating  
2 against federally chartered corporations.

*Walter*  
*Center*

*These*  
**Analysis by the Legislative Reference Bureau**

Under current federal law, there are nearly 100 organizations that are federally chartered. ~~This~~ <sup>These</sup> 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 <sup>the</sup> 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 actual costs, may be imposed by the board for the use of school grounds, buildings, facilities, or equipment.

This bill prohibits 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 it treats any other corporation or group. The treatment to which the bill applies includes the use or rental of the facilities of a local governmental unit.

*grounds, buildings,  
or equipment*

For further information see the *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:*

SECTION 1. 66.0436 of the statutes is created to read:

**66.0436 Prohibition of discrimination.** (1) DEFINITIONS. In this section:

(a) "Federally chartered corporation" means an organization that is listed in subtitle II, part B of title 36 of the United States Code, 36 USC 20101 to 20112.

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

(2) PROHIBITION OF DISCRIMINATION BY LOCAL GOVERNMENTAL UNITS. No local

governmental unit may treat a federally chartered corporation differently from how it treats any other corporation or group. The treatment to which this section applies includes the use or rental of the facilities of a local governmental unit.

*grounds, buildings,  
or equipment*

SECTION 2. 120.13 (17) of the statutes is amended to read:

120.13 (17) TEMPORARY USE OF SCHOOL PROPERTY. Grant Subject to s. 66.0436, grant the temporary use of school grounds, buildings, facilities or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school-related functions. Fees received under this subsection shall be paid into the school district treasury and accounted



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

**History:** 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985  
a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27,  
284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73,  
83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186.

5

**(END)**

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

LRB-1453/P1dn

MES&PG.....  
*mg*

**Representative Nass**

✓ Please review this draft carefully to ensure that it meets your intent. Is the definition of "local governmental unit" OK, or is it too broad because it includes "an instrumentality of the state"? You may wish to review the complete list of federally chartered corporations in 36 USC subtitle II, part B to determine whether the list of corporations is too broad or if it doesn't include all of the entities you want to be included. Finally, do you want the draft to be any more specific than its current prohibition that LGUs may not treat federally chartered corporations "differently" than other corporations? Do you want to specify in what respect treatment can't be "different"? ✓

*that*

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

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

LRB-1453/P1dn  
MES&PC:kmg:pg

January 30, 2001

Representative Nass

Please review this draft carefully to ensure that it meets your intent. Is the definition of "local governmental unit" OK, or is it too broad because it includes "an instrumentality of the state"? You may wish to review the complete list of federally chartered corporations in 36 USC subtitle II, part B to determine whether the list of corporations is too broad or if it doesn't include all of the entities that you want to be included. Finally, do you want the draft to be any more specific than its current prohibition that LGUs may not treat federally chartered corporations "differently" than other corporations? Do you want to specify in what respect treatment can't be "different"?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)



TO: Marc E. Shovers, Senior Legislative Attorney

FROM: Mike Mikalsen

DATE: July 17, 2001

RE: Re-draft of LRB-1453/P1dn

In January, you drafted LRB-1453/P1dn for Representative Steve Nass relating to federally chartered corporations in 36 USC subtitle II, part B. Please revise the January draft to reflect language contained in LRBb-1543/2, a caucus amendment to the budget.

I have enclosed a copy of the caucus amendment. If you have any questions, please contact me.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1453/1  
MES&PG:kmg:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ESTK

RMMR

~~Due:~~

Thurs, 10/4

repen

- 1 AN ACT to amend 120.13 (17); and to create 66.0436 of the statutes; relating
- 2 to: prohibiting local governmental units from discriminating against federally
- 3 chartered corporations.

state agencies or authorities and

National

CAAAK ranch

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

state agency or authority and a

This bill prohibits a local governmental unit (which includes a political subdivision of this state, a special purpose district in this state, or any

organization in the use or rental of the grounds, buildings, facilities, or equipment of a local governmental unit, except that if 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 instrumentality or subunit of either of them) from treating a federally chartered corporation differently from how it treats any other corporation or group. The denying treatment to which the bill applies includes the use or rental of the grounds, buildings, facilities, or equipment of a local governmental unit. <sup>such use or rental</sup>

For further information see the ~~local~~ <sup>State and</sup> fiscal estimate, which will be printed as an appendix to this bill. <sup>(B) (D)</sup>

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

**SECTION 1.** 66.0436 of the statutes is created to read:

**66.0436 Prohibition of discrimination.** (1) DEFINITIONS. In this section:

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

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

(2) PROHIBITION OF DISCRIMINATION BY LOCAL GOVERNMENTAL UNITS. No local governmental unit may treat a federally chartered corporation differently from how it treats any other corporation or group. The treatment to which this section applies includes the use or rental of the grounds, buildings, facilities, or equipment of a local governmental unit.

**SECTION 2.** 120.13 (17) of the statutes is amended to read:

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

(facilities)

State and (B)

the agency, authority, or local governmental unit

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)

ARC:.....Jefferson - AM60, Treatment of federally chartered groups by state and local governments

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 70, line 6: after that line insert:

3 ~~SECTION 312m.~~ SECTION 16.845 (1m) of the statutes is created to read:

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

*the agency  
or  
authority*



1 leadership policies of a federally chartered organization as the basis for denying such  
2 use or rental.

3 SECTION 312n. 16.845 (2) (a) of the statutes is renumbered 16.845 (2) (am).

4 SECTION 312o. 16.845 (2) (ab), (ac) and <sup>(as)</sup>(ad) of the statutes are created to read:  
5 16.845 (2) (ab) "Agency" has the meaning given in s. 16.70 (1). ✓

6 (ac) "Authority" has the meaning given in s. 16.70 (2). ✓

7 (ad) "Federally chartered corporation" means an organization that is listed in  
8 36 USC subtitle II, part B. ✓

9 2. Page 680, line 5. after that line insert:

10 SECTION 2022m. 66.0436 of the statutes is created to read:

11 **66.0436 Discrimination; federally chartered corporations. (1)**

12 DEFINITIONS. In this section:

13 (a) "Federally chartered corporation" means an organization that is listed in  
14 36 USC subtitle II, part B.

15 (b) "Local governmental unit" means a political subdivision of this state, a  
16 special purpose district in this state, an instrumentality or corporation of such a  
17 political subdivision or special purpose district, a combination or subunit of any of  
18 the foregoing, or an instrumentality of the state and any of the foregoing.

19 (2) LOCAL GOVERNMENTAL UNITS. No local governmental unit may treat a  
20 federally chartered corporation differently from how <sup>the local governmental unit</sup> it treats any other organization  
21 in the use or rental of the grounds, buildings, facilities, or equipment of a local  
22 governmental unit, except that <sup>if</sup> a local governmental unit establishes membership  
23 or leadership policies with respect to users or renters of its grounds, buildings,

1 facilities, or equipment, it may not use the membership or leadership policies of a  
2 federally chartered organization as the basis for denying such use or rental.

3 **3.** Page 924, line 22. after that line insert:

4 ~~SECTION 2700e.~~ SECTION 120.13 (17) of the statutes is amended to read:

5 120.13 (17) TEMPORARY USE OF SCHOOL PROPERTY. Grant Subject to s. 66.0436.  
6 grant the temporary use of school grounds, buildings, facilities, or equipment, upon  
7 such conditions, including fees not to exceed actual costs, as determined by the school  
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9 not interfere with use for school purposes or school-related functions. Fees received  
10 under this subsection shall be paid into the school district treasury and accounted  
11 for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the  
12 school board secondarily liable, for any damage to property and for any expense  
13 incurred in consequence of any use of school grounds, buildings, facilities, or  
14 equipment under this subsection.

15 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

October 3, 2001

### MEMORANDUM

To: Representative Nass

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-1453/1 Treatment of federally chartered groups by local governmental units

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.