

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Counties - miscellaneous
State Government - miscellaneous**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

Treatment of federally chartered groups by state and local governments

Instructions:

See Attached. Based on -1453/P1

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>
/?	shoveme 06/23/2001 malaigm	wjackson 06/25/2001		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/25/2001 kuesejt 06/25/2001			_____			
/1			haugcca 06/26/2001	_____	lrb_docadmin 06/26/2001		
/2	shoveme 06/26/2001 kuesejt 06/26/2001 shoveme 06/27/2001	wjackson 06/27/2001	kfollet 06/27/2001	_____	lrb_docadmin 06/27/2001		

FE Sent For:

<END>

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1?	shoveme 06/23/2001	wjackson 06/25/2001	kjl	kjl	bt		
	malaigm 06/25/2001	1/2 WLj 6/27	6/27	6/27			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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kuesejt
06/25/2001

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12 MES 6/26/01

haugeca
06/26/2001

lrb_docadmin
06/26/2001

FE Sent For:

<END>

DRAFT

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

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Wanted: As time permits

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By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters: grantpr
kuesejt
~~6/27/01~~

Subject: Munis - miscellaneous
Counties - miscellaneous
State Government - miscellaneous

Extra Copies:

~~discrim / sub. accom.~~

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ARC:.....Jefferson - AM60,

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Treatment of federally chartered groups by state and local governemnts

Instructions:

See Attached. Based on -1453/P1

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

1? shoveme 1 WJ 6/25 CH 6-26 CH 6-26
11 MES 8/16-6/23/01 PS

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

MES
JTK
Jefferson

Statement of Intent Allow federally chartered groups to use state and local facilities in the same manner as other nonprofit organizations.

Legislator	Nass	Amendment	60
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Mike Mikalsen	Package	

Agency General Provisions

Summary This amendment would require state and local governmental units (including a political subdivision of this state, a special purpose district in this state, or any instrumentality or subunit of either of them) to allow all federally chartered groups under Title 36 U.S. Code - Patriotic Societies and Observances, to use or rent grounds, buildings, facilities or equipment in the same manner as the governmental unit treats other nonprofit organizations.

State and local governments are specifically prohibited from using the membership or leadership policies of the federally chartered organizations, under Title 36 USC, as the basis for denying use or rental.

Fiscal Impact None.

Drafting Inst

ARC Analyst Jefferson

Request #

206

Friday, June 22, 2001

Page 1 of 6

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1453/P1dn
MES&PG.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

2001

Date (time) needed

SOON

LRB b 1543, 1

ARC CAUCUS BUDGET AMENDMENT [ONLY FOR CAUCUS]

1 NOPE

MES9 PG9 JTK8

WLJ

RMNR

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

INSERT 2-1 ->

#. Page 680, line 5: after that line insert:



A large 'X' is drawn over the following list of items:

- #. Page, line:
- #. Page, line:
- #. Page, line:
- #. Page, line:
- #. Page, line:

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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.

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.

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 grounds, buildings, facilities, or equipment of a local governmental unit.

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:

02022m
SECTION 4. 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 groups. ~~The treatment to which this section applies~~ *in the areas of* includes the use or rental of the grounds, buildings, facilities, or equipment of a local governmental unit.

#. page 124 line 22! after that line insert:
SECTION 2. 120.13 (17) of the statutes is amended to read:

2760e
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

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)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1543/1insJTK
MES, PG & JTK.....

INSERT 2-1:

h. Page 70, line 6: after that line insert:

⑤ "SECTION 312m. 16.845 (1m) of the statutes is created to read:

USE BY FEDERALLY CHARTERED CORPORATIONS
16.845 (1m) No agency or authority may treat a federally chartered corporation differently than it treats any other organization in the use or rental of the grounds, buildings, facilities or equipment of the agency or authority.

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

SECTION 312o. 16.845 (2) (ab), (ac) and (ad) of the statutes are created to read:

16.845 (2) (ab) "Agency" has the meaning given in s. 16.70 (1). ✓

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

(ad) "Federally chartered corporation" means an organization that is listed in 36 USC subtitle II, part B." ①

, except that if an agency or authority establishes membership or leadership policies with respect to users or renters of its grounds, buildings, facilities or equipment, it shall not use the membership or leadership policies of a federally chartered organization as the basis for denying such use or rental

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1543/1dn
MES, PG & JTK...../.....

WJ

Mark Jefferson:

This amendment includes your requests numbered 196 and 206.

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

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: pctcr.grant@legis.state.wi.us

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1543/1dn
MES/PG/JTK:wlj:ch

June 26, 2001

Mark Jefferson:

This amendment includes your requests numbered 196 and 206.

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

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



LPS: Please
fix request sheet

RMR

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

Woff
except that if an agency or authority establishes membership or leadership policies with respect to users or renters of its grounds, buildings, facilities, or equipment, it shall not use the membership or leadership policies of a federally chartered organization as the basis for denying such use or rental

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 70, line 6: after that line insert:
- 3 **"SECTION 312m.** 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
- 8 **SECTION 312n.** 16.845 (2) (a) of the statutes is renumbered 16.845 (2) (am).
- 9 **SECTION 312o.** 16.845 (2) (ab), (ac) and (ad) of the statutes are created to read:
- 10 16.845 (2) (ab) "Agency" has the meaning given in s. 16.70 (1).

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

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

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

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

66.0436 Prohibition of discrimination. ^{⑥; federally chartered corporations} (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~~ LOCAL GOVERNMENTAL UNITS. No local governmental unit may treat a federally chartered corporation differently from how it treats any other ~~corporation or group~~ ^{organization} in the ~~areas of the~~ use or rental of the grounds, buildings, facilities, or equipment of a local governmental unit."

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

"SECTION 2760e. 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

except that if a local governmental unit establishes membership or leadership policies with respect to users or renters of its grounds, buildings, facilities, or equipment, it may not use the membership or leadership policies of a federally chartered organization as the basis for denying such use or rental

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.”.

5 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1543/2
MES/PG/JTK:wlj:kjf

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 substitute amendment as follows:

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

3 “SECTION 312m. 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

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 (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 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 if 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 2760e.** 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
8 board, to any responsible person for any lawful nonschool purpose if such use docs
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 proscribed 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)