



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2582/1
EVM:emw

2015 ASSEMBLY BILL 704

January 13, 2016 – Introduced by Representative MURSAU. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to renumber* 43.57 (5) (a); *to amend* 43.15 (4) (c) 1., 43.15 (4) (c) 3., 43.15
2 (4) (c) 4., 43.57 (5) (b) (intro.), 43.57 (5) (c) and 43.58 (6) (a); and *to create* 43.01
3 (7), 43.12 (8), 43.57 (2m), 43.57 (4) (bm), 43.57 (5) (a) 2. and 43.58 (8) of the
4 statutes; **relating to:** tribal college and county joint libraries.

Analysis by the Legislative Reference Bureau

This bill allows a tribal college–county joint library to participate in a public library system. A tribal college–county joint library is established when a county board enters into a qualifying agreement with a tribal college to maintain a public library for the county. The agreement must require that the tribal college annually provide to the county library board an accounting of the expenditure of any appropriations received from the county and that, subject to certain reasonable regulations, the tribal college make the library free for the use of the inhabitants of the county. Also under this bill, a county with a tribal college–county joint library must have a three member library board, with members appointed by the tribal college, the American Indian tribe or band that controls the college, and the county board. The library board is responsible for any duties conferred upon it by the agreement, advising the library, and filing an annual report on the library’s finances and operations.

ASSEMBLY BILL 704

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.** 43.01 (7) of the statutes is created to read:

2 43.01 (7) “Tribal college” means an accredited college, operated or controlled
3 by a federally recognized American Indian tribe or band in this state, that meets the
4 requirements of 25 USC 1804.

5 **SECTION 2.** 43.12 (8) of the statutes is created to read:

6 43.12 (8) For the purposes of this section, a county that provides library service
7 solely under s. 43.57 (2m) is a county that maintains a consolidated public library,
8 and a tribal college–county joint library under s. 43.57 (2m) is a branch of the
9 consolidated library.

10 **SECTION 3.** 43.15 (4) (c) 1. of the statutes is amended to read:

11 43.15 (4) (c) 1. Is established under this chapter. A tribal college–county joint
12 library under s. 43.57 (2m) is a library established under this chapter.

13 **SECTION 4.** 43.15 (4) (c) 3. of the statutes is amended to read:

14 43.15 (4) (c) 3. Is authorized by its municipal governing body or county board
15 to participate in the public library system. If the library is a tribal college–county
16 joint library, it is authorized by an agreement under 43.57 (2m).

17 **SECTION 5.** 43.15 (4) (c) 4. of the statutes is amended to read:

18 43.15 (4) (c) 4. Enters into a written agreement with the public library system
19 board to participate in the system and its activities, to participate in interlibrary loan
20 of materials with other system libraries, and to provide, to any resident of the system
21 area, the same library services, on the same terms, that are provided to the residents

ASSEMBLY BILL 704

1 of the municipality or county that established the member library. This subdivision
2 does not prohibit a municipal, county, or joint public library from giving preference
3 to its residents in library group programs held for children or adults if the library
4 limits the number of persons who may participate in the group program, or from
5 providing remote access to a library's ~~electronic database~~ online resources only to its
6 residents.

7 **SECTION 6.** 43.57 (2m) of the statutes is created to read:

8 43.57 (2m) TRIBAL COLLEGE-COUNTY JOINT LIBRARIES. (a) A county board may
9 enter into an agreement with a tribal college to maintain a public library for the
10 county.

11 (b) An agreement under par. (a) shall require all of the following:

12 1. That the tribal college annually provide to the county board an accounting
13 of the expenditure of any appropriations received from the county.

14 2. Except as provided in this subdivision, that the tribal college make the
15 library free for the use of the inhabitants of the county. The tribal college may
16 prescribe reasonable regulations for the use of the library so as to render the use of
17 the library most beneficial to the greatest number of persons. The tribal college may
18 exclude from the use of the library all persons who willfully violate the regulations.

19 (c) Sections 43.52 to 43.54 do not apply to a tribal college-county joint library
20 under this subsection.

21 **SECTION 7.** 43.57 (4) (bm) of the statutes is created to read:

22 43.57 (4) (bm) 1. In a county with a tribal college-county joint library under
23 sub. (2m), there shall be a 3-member county library board. One member shall be
24 appointed by the tribal college, one member shall be appointed by the American

ASSEMBLY BILL 704**SECTION 7**

1 Indian tribe or band that controls the college, and one member shall be appointed by
2 the county board.

3 2. A board under this paragraph shall have any powers provided in the
4 agreement under sub. (2m), shall advise the library on any matter related to library
5 service, and shall, within 60 days of the conclusion of the fiscal year of the county,
6 provide the report under s. 43.58 (6) to the county and the division.

7 **SECTION 8.** 43.57 (5) (a) of the statutes is renumbered 43.57 (5) (a) 1.

8 **SECTION 9.** 43.57 (5) (a) 2. of the statutes is created to read:

9 43.57 (5) (a) 2. Upon the initial establishment of a board under sub. (4) (bm),
10 the member appointed by the county board shall serve for a 2-year term, the member
11 appointed by the American Indian tribe or band shall serve for a 3-year term, and
12 the member appointed by the tribal college shall serve for a 4-year term. Thereafter,
13 terms shall be for 3 years. Vacancies shall be filled for unexpired terms in the same
14 manner as regular appointments are made.

15 **SECTION 10.** 43.57 (5) (b) (intro.) of the statutes is amended to read:

16 43.57 (5) (b) (intro.) No compensation shall be paid to the members of a board
17 under sub. (4) (a) ~~or (b)~~ to (bm) for their services, except as follows:

18 **SECTION 11.** 43.57 (5) (c) of the statutes is amended to read:

19 43.57 (5) (c) A majority of the membership of a board under sub. (4) (a) ~~or (b)~~
20 to (bm) constitutes a quorum, but any such board may, by resolution, provide that 3
21 or more members constitute a quorum.

22 **SECTION 12.** 43.58 (6) (a) of the statutes is amended to read:

23 43.58 (6) (a) Within 60 days after the conclusion of the fiscal year of the
24 municipality or county in which the public library is located, the library board,
25 including a library board under s. 43.57 (4) (bm), shall make a report to the division

ASSEMBLY BILL 704

1 and to its governing body or, for a library board under s. 43.57 (4) (bm), the county
2 board of the county in which the library is located. The report shall state the
3 condition of the library board's trust and the various sums of money received for the
4 use of the public library during the year, specifying separately the amounts received
5 from appropriations, from the income of trust funds, from rentals and other revenues
6 of the public library and from other sources. The report shall state the condition of
7 all funds in the library board's control and shall state in detail the disbursements on
8 account of the public library during that fiscal year.

9 **SECTION 13.** 43.58 (8) of the statutes is created to read:

10 43.58 (8) Except as provided under sub. (6), this section does not apply to a
11 library board under s. 43.57 (4) (bm).

12 (END)