

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2582/P1dn

EVM:emw

July 6, 2015

ATTN: Rep. Jeffrey Mursau

Please review the attached draft carefully to ensure that it is consistent with your intent. My understanding is that this draft is primarily for discussion purposes. As such, I do not believe the draft is entirely workable in its current form. The following are several issues you may wish to consider in your review of this draft.

1. Under current ch. 43, stats., the term municipality includes a tribal government or tribal association. Nevertheless, several of the references to municipality do not seem to fit well with the concept of a tribal government or association. The following are references to municipalities where I did not add a reference to tribal entity: ss. 43.11 (3) (c) and (d), 43.15 (3) (b) and (4) (b) 3., 43.18 (3) (a), 43.19 (1) (a), 43.24 (1) (c) 3., 43.52 (1m) (a) and (b) and (2), 43.53 (2), 43.54 (1) (a) or (c) and (1m) (a) 1. or 2., and 43.57 (4) (c), stats. Please let me know if you believe a reference to tribal entity is necessary for any of these.
2. In several instances the DPI-suggested language did not add "tribal entity" to a current usage of municipality where the addition appears warranted. Specifically, I added treatments to ss. 43.05 (3) (b), 43.15 (4) (c) 4., 43.19 (1) (b) 1., 43.52 (3) and (4), and 43.57 (3), stats. Please let me know if you want any of these removed.
3. How would you like to treat tribal libraries under ss. 43.11 (3) (e), 43.12, 43.15 (3) (c), 43.17 (11), 43.52, 43.53, and 43.58, stats.? Presumably, under current law, when tribal governments or associations act as "municipalities" in establishing libraries, they are covered by these statutes to the same extent as other municipalities. Do you want to clearly include tribal entities in these provisions? Are they not relevant? Do you want different rules to apply?
4. This draft follows the suggested language for s. 43.18. However, I am not sure that the suggested treatment is entirely functional. For example, how is a tribal entity evaluated for purposes of determining a base population under s. 43.18 (1) (ar), stats.?
5. Do you want to keep s. 43.19 (1) (b) 3., as created in this draft?
6. Under this draft, s. 43.57 (2m) creates a distinct type of library. I did this primarily because, given the balance of the draft, I do not think s. 43.57 (2m) can consistently include a statement that ss. 43.52 and 43.54, stats., do not apply to tribal public libraries.

7. Do you want to add a reference to tribal libraries under s. 43.56 in s. 43.57 (3), stats.?
8. How do you want s. 43.60, stats., to apply to tribal libraries or joint municipality-tribal libraries?
9. We usually use the qualifier “in this state” when referring to American Indian tribes or bands. I have added this language to the definition of tribal entity. Do you want the qualifier omitted for this draft?
10. A tribal public library would need to meet all of the requirements under s. 43.15 (4) (c) 1. to 8., stats., to participate in a public library system. Does this meet your intent?
11. I omitted the defined term “tribal library.” It does not appear to me that the term tribal library is used in the recommended language solely as it was defined.
12. There was some discussion of grandfathering existing tribal libraries. How would you like to accomplish this? Are there only a few existing libraries or only libraries with similar features? If so, a fairly specific provision can likely address the issue. Relatedly, do you want to allow tribal “municipal public libraries” under this draft?

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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