

2015 DRAFTING REQUEST

Bill

Received: **6/10/2015** Received By: **emueller**
For: **Jeffrey Mursau (608) 266-3780** Same as LRB:
May Contact: By/Representing: **Dave Moore**
Subject: **Education - libraries** Drafter: **emueller**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Mursau@legis.wisconsin.gov**
Carbon copy (CC) to: **David.Moore@legis.wisconsin.gov**
eric.mueller@legis.wisconsin.gov
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Pre Topic:

No specific pre topic given

Topic:

Participation in library system by library operated by certain tribal colleges

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 7/3/2015		_____			
/P1	emueller 10/30/2015	eweiss 7/6/2015	_____	srose 7/6/2015		State S&L
/P2	emueller	eweiss	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/4/2015	11/2/2015	_____	11/2/2015		S&L
/P3	emueller 12/14/2015	eweiss 12/7/2015	_____	sbasford 12/7/2015		State S&L
/1		anienaja 12/14/2015	_____	mbarman 12/14/2015	lparisi 12/15/2015	State S&L

FE Sent For:

→ 01-13-2016 <END>
(1/1)

requested by
Cory Bruce

pr
Dane Moore

- public lib in Menominee closed
- books to tribal college
- MOU between county + tribal college
college to provide service to co. residents
- working well, but doesn't fit ch. 43

allow participation
in federated
lib system

- new

- narrowly address Menominee co. issue
- no "tribal public library"
- § 20 of 2582 / P1
- 43.15 (4)(c)

- l. + spec. that lib. op. by ~~tribal~~ tribal
college is "established under this ch"
+ change to subd. 3

- others should be okay

- det. of tribal college
- co. payments provision
- keep mod. ch. 43.37 (2a)
- lib membership
- report under 43.58(6)
- check 43.15 (4)(b) - needs changes?
(4)(c) 4.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

- authorize tribal library for long time
- pull tribe out of def of municipality

3 person advisory bd.



Datore
State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2582/P1
EVM:...

RMR

EMW

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

7/10/15

S.A. ✓
Xref ✓

gen

1 **AN ACT ...; relating to: tribal public libraries.** ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

2 **SECTION 1.** 43.01 (3) of the statutes is amended to read:

3 43.01 (3) "Municipality" means a city, village, or town, ~~tribal government or~~
4 ~~tribal association,~~ or a school district that maintained and operated a public library
5 facility prior to December 17, 1971.

6 ~~History~~ 1971 c. 152; 1977 c. 418; 1979 c. 347; 1983 a. 189; 1985 a. 177 ss. 4, 5; 1993 a. 335; 1995 a. 27 ss. 1967, 9145 (1); 1997 a. 27; 2001 a. 48; 2011 a. 158.

7 **SECTION 2.** 43.01 (7) of the statutes is created to read:

8 43.01 (7) "Tribal entity" means a federally recognized American Indian tribe
9 or band in this state or a tribal college affiliated with a federally recognized American Indian tribe or band in this state.

1 **SECTION 3.** 43.05 (3) (b) of the statutes is amended to read:

2 43.05 (3) (b) Public libraries, municipalities or tribal entities establishing,
3 maintaining or expanding public libraries, counties establishing, maintaining or
4 expanding public library services, public library systems and their governing bodies;

5 **History:** 1979 c. 347; 1983 a. 189 s. 329 (27); 1985 a. 29, 177, 332; 1991 a. 285; 1995 a. 27; 1997 a. 27, 150; 1999 a. 83, 185; 2011 a. 158.
6 **SECTION 4.** 43.12 (7) of the statutes is amended to read:

7 43.12 (7) This section does not apply to a county having a population of 500,000
8 or more or a county that provides library service solely under s. 43.57 (2m).

9 **History:** 1997 a. 150; 2005 a. 226, 420; 2007 a. 97; 2013 a. 157.
10 **SECTION 5.** 43.15 (4) (c) (intro.) of the statutes is amended to read:

11 43.15 (4) (c) (intro.) A municipal, tribal, county, or joint public library may
12 participate in a public library system if it meets all of the following requirements:

13 **History:** 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a.
14 97; 2011 a. 32.
15 **SECTION 6.** 43.15 (4) (c) 3. of the statutes is amended to read:

16 43.15 (4) (c) 3. Is If the library is a municipal, tribal, county or joint library, it
17 is authorized by its municipal or tribal entity governing body or county board to
18 participate in the public library system. If the library is a tribal-county joint library,
19 it is authorized by and agreement under 43.57 (2m).

20 **History:** 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a.
21 97; 2011 a. 32.
22 **SECTION 7.** 43.15 (4) (c) 4. of the statutes is amended to read:

23 43.15 (4) (c) 4. Enters into a written agreement with the public library system
24 board to participate in the system and its activities, to participate in interlibrary loan
25 of materials with other system libraries, and to provide, to any resident of the system
26 area, the same library services, on the same terms, that are provided to the residents
27 of the municipality or county or members of the tribal entity that established the
28 member library. This subdivision does not prohibit a municipal, tribal, county, or
29 joint public library from giving preference to its residents or members in library

1 group programs held for children or adults if the library limits the number of persons
2 who may participate in the group program, or from providing remote access to a
3 library's electronic database only to its residents.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a. 97; 2011 a. 32.

4 **SECTION 8.** 43.18 (1) (ag) of the statutes is amended to read:

5 43.18 (1) (ag) In this subsection, "participating municipality" means a
6 municipality or tribal entity that operates a public library and is a member of a public
7 library system.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

8 **SECTION 9.** 43.18 (2m) of the statutes is amended to read:

9 43.18 (2m) EXPULSION. With the approval of the division, a public library
10 system may expel, or reduce aids or services to, a municipality, tribal entity, or county
11 that fails to meet the requirements under s. 43.15 (2) or (4).

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

12 **SECTION 10.** 43.18 (3) (b) of the statutes is amended to read:

13 43.18 (3) (b) A municipality, tribal entity, or county withdrawing or expelled
14 under this section from a public library system is responsible for its allocated share
15 of the outstanding liabilities of the system on the effective date of its withdrawal or
16 expulsion.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

17 **SECTION 11.** 43.18 (3) (c) of the statutes is amended to read:

18 43.18 (3) (c) Upon taking final action under this section to withdraw from or
19 abolish a public library system, the county board or ~~other municipal~~ or tribal entity
20 governing body shall give notice, by registered mail, of the action taken to the
21 governing body of every other municipality, tribal entity, and county participating in
22 the public library system, to the public library system board, and to the division.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

23 **SECTION 12.** 43.18 (3) (d) of the statutes is amended to read:

1 43.18 (3) (d) Prior to expelling a municipality, tribal entity, or county from a
2 public library system, the system board shall notify the municipality, tribal entity,
3 or county and the division, by registered mail, of the reason for the action under
4 consideration and shall hold a public hearing concerning the action. The system
5 board shall file a plan for alteration of the system territory under s. 43.13 (2) by
6 November 15 of the year preceding the year in which the expulsion will take effect
7 under s. 43.13 (3) and the division shall adjust state aid under s. 43.24 accordingly.

8 History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

SECTION 13. 43.18 (3) (e) of the statutes is amended to read:

9 43.18 (3) (e) A municipality, tribal entity, or county that has withdrawn or that
10 has been expelled from a public library system may participate in a public library
11 system only by fulfilling the requirements for initial participation under s. 43.15 (4)
12 (b) or (c) and by adopting a new plan of library service for the county.

13 History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

SECTION 14. 43.19 (1) (b) 1. of the statutes is amended to read:

14 43.19 (1) (b) 1. Except as provided in subd. 2., in a federated public library
15 system whose territory lies within 2 or more counties, the system board shall consist
16 of at least 15 and not more than 20 members nominated by the county executive in
17 each county in the system, or by the county board chairperson in a county without
18 a county executive, and approved by each county board in the system. Appointments
19 shall be in proportion to population as nearly as practical, but, except as provided in
20 subd. 2., each county shall be represented by at least one member on the system
21 board. Each county board may appoint one county board member to the system
22 board. The public library board governing the designated resource library shall have
23 at least one member on the system board. The remaining system board members
24 shall include such representatives of the library boards governing public libraries of

1 participating municipalities, tribal entities, and counties and public members
2 appointed from the counties at large as the county board determines.

3 History: 1971 c. 152; 1985 a. 177; 1993 a. 383; 1997 a. 150.

SECTION 15. 43.19 (1) (b) 3. of the statutes is created to read:

4 43.19 (1) (b) 3. Notwithstanding subds. 1. and 2., if a county that participates
5 in a federated public library system provides library service solely under s. 43.57
6 (2m), the tribal entity that maintains the public library under s. 43.57 (2m) shall act
7 as the county board and county board chairperson or county executive under subds.
8 1. and 2.

9 **SECTION 16.** 43.52 (1) of the statutes is amended to read:

10 43.52 (1) Any municipality or tribal entity may establish, equip and maintain
11 a public library, and may annually levy a tax or appropriate money to provide a
12 library fund, to be used exclusively to maintain the public library. The municipality
13 or tribal entity may enact and enforce police regulations to govern the use,
14 management and preservation of the public library. Any municipality or tribal entity
15 desiring to establish a new public library shall obtain a written opinion by the
16 division regarding the feasibility and desirability of establishing the public library
17 before final action is taken. The division shall render its opinion within 30 days of
18 the time the request is received.

19 History: 1971 c. 152 s. 16; 1977 c. 418; 1985 a. 177 ss. 26 to 28, 47; 1989 a. 286; 1997 a. 150; 2005 a. 226, 420.

SECTION 17. 43.52 (3) of the statutes is amended to read:

20 43.52 (3) Any municipality or tribal entity may purchase or acquire one or more
21 sites, erect one or more buildings and equip the same for a public library or any
22 library already established; or may adopt, take over and acquire any library already
23 established, by consent of the authorities controlling the same.

24 History: 1971 c. 152 s. 16; 1977 c. 418; 1985 a. 177 ss. 26 to 28, 47; 1989 a. 286; 1997 a. 150; 2005 a. 226, 420.

SECTION 18. 43.52 (4) of the statutes is amended to read:

1 43.52 (4) A municipal or tribal public library may contract with library
2 organizations within this state or in adjacent states to provide or receive library
3 services.

4 **History:** 1971 c. 152 s. 16; 1977 c. 418; 1985 a. 177^{ss.} 26 to 28, 47; 1989 a. 286; 1997 a. 150; 2005 a. 226, 420.

4 **SECTION 19.** 43.56 of the statutes is created to read:

5 **43.56 Tribal public libraries.** (1) Upon approval by the county in which the
6 library is to be located and the division, a tribal entity may establish a public library.

7 (2) A tribal public library established under sub. (1) shall be advised by a
8 3-member tribal public library board appointed by the tribal entity. One member
9 shall be the school district administrator for the school district in which the library
10 is located or his or her designee. No more than one member may be a member of the
11 governing body of the tribal entity that established the library.

12 (3) A board under this section shall advise the library on any matter related
13 to library service, and shall within 60 days of the conclusion of the fiscal year of the
14 county, report to the county and the division information about the appropriations
15 received by the tribal entity and tribal library from the county during the previous
16 fiscal year and an accounting of the expenditure of those appropriations.

17 (4) A public library established by a tribal entity before the effective date of this
18 subsection [LRB inserts date] may, no later than one year after the effective date
19 of this subsection [LRB inserts date], be reestablished as a tribal public library
20 under this section. To reestablish the library, the tribal entity shall modify the
21 library board of the library to satisfy the requirements under sub. (2), reducing any
22 excess library board positions as the positions become vacant.

23 **SECTION 20.** 43.57 (2m) of the statutes is created to read:

1 43.57 (2m) TRIBAL-COUNTY JOINT LIBRARIES. A county board may enter into an
2 agreement with a tribal entity to maintain a public library for the county. The
3 agreement shall require the tribal entity to annually provide to the county library
4 board an accounting of the expenditure of any appropriations received from the
5 county. Sections 43.52 to 43.54 do not apply to tribal-county joint libraries.

6 SECTION 21. 43.57 (3) of the statutes is amended to read:

7 43.57 (3) COUNTY LIBRARY SERVICES. A county board may establish and maintain
8 a county library service to serve the residents of the county who do not live in
9 municipalities that have established libraries under s. 43.52 or 43.53 or to improve
10 the library services of municipal or tribal public libraries established under s. 43.52
11 or 43.53. The county library service may operate a library or library service program
12 or may contract with library organizations within this state or in adjacent states for
13 services.

History: 1971 c. 152 s. 25; Stats. 1971 s. 43.57; 1980 c. 282 s. 47; 1985 a. 177 ss. 35 to 41, 51; 1989 a. 286; 1993 a. 241; 1995 a. 354.

14 SECTION 22. 43.57 (4) (bm) of the statutes is created to read:

15 43.57 (4) (bm) 1. In a county with a tribal-county joint library under sub. (2m),
16 there shall be a 3-member county library board. Each member shall be appointed
17 by the tribal entity.

18 2. A board under this paragraph shall have any powers provided in the
19 agreement under sub. (2m), shall advise the library on any matter related to library
20 service, and shall, within 60 days of the conclusion of the fiscal year of the county,
21 report to the county and the division information about the appropriations received
22 by the tribal college and county library from the county during the previous fiscal
23 year and an accounting of the expenditure of those appropriations.

24 SECTION 23. 43.57 (5) (a) of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2582/P1dn

EVM:...

emw

— Date —

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: 43.11 (3) (c) and (d), 43.15 (3) (b) and (4) (b) 3., 43.18 (3) (a), 43.19 (1) (a), 49.24 (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., 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 s. 43.05 (3) (b), 43.15 (4) (c) 4., 43.19 (1) (b) 1., 43.24 (3) and (4), 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. 43.12, 43.11 (3) (e), 43.15 (3) (c), 43.17 (11), 43.52, 43.53, and 43.58, stats.? Presumably, under current law, when tribal governments or association 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, stats. 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 ^{is} 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, ^{or in} 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.

Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2582/P1dn
EVM:emw

July 6, 2015

ATTN: Rep. Jeffrey Mursau

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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?
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5. Do you want to keep s. 43.19 (1) (b) 3., as created in this draft?
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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.
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Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2582/P1 P2
EVM:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11/2/15

S.A. ✓
XREF ✓

regen

Regen.

1 AN ACT to amend 43.01 (3), 43.05 (3) (b), 43.12 (7), 43.15 (4) (c) (intro.), 43.15 (4)

2 (c) 3., 43.15 (4) (c) 4., 43.18 (1) (ag), 43.18 (2m), 43.18 (3) (b), 43.18 (3) (c), 43.18

3 (3) (d), 43.18 (3) (e), 43.19 (1) (b) 1., 43.52 (1), 43.52 (3), 43.52 (4), 43.57 (3), 43.57

4 (5) (a), 43.57 (5) (b) (intro.) and 43.57 (5) (c); and to create 43.01 (7), 43.19 (1)

5 (b) 3., 43.56, 43.57 (2m) and 43.57 (4) (bm) of the statutes; relating to: tribal

6 public libraries. college and county joint ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

INS
Analysis

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

7 SECTION 1. 43.01 (3) of the statutes is amended to read:

1 43.01 (3) "Municipality" means a city, village, or town, ~~tribal government or~~
2 ~~tribal association,~~ or a school district that maintained and operated a public library
3 facility prior to December 17, 1971.

4 SECTION 2. 43.01 (7) of the statutes is created to read:

5 43.01 (7) "Tribal entity" means a federally recognized American Indian tribe
6 or band in this state or a tribal college affiliated with a federally recognized American
7 Indian tribe or band in this state.

8 SECTION 3. 43.05 (3) (b) of the statutes is amended to read:

9 43.05 (3) (b) Public libraries, municipalities or tribal entities establishing,
10 maintaining or expanding public libraries, counties establishing, maintaining or
11 expanding public library services, public library systems and their governing bodies;

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13 43.12 (7) This section does not apply to a county having a population of 500,000
14 or more or a county that provides library service solely under s. 43.57 (2m).

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

16 43.15 (4) (c) (intro.) A municipal, tribal, county, or joint public library may
17 participate in a public library system if it meets all of the following requirements:

18 SECTION 6. 43.15 (4) (c) 3. of the statutes is amended to read:

19 unstrike 43.15 (4) (c) 3. Is If the library is a municipal, tribal, county, or joint library, it
20 is authorized by its municipal or tribal entity governing body or county board to
21 participate in the public library system. If the library is a tribal ^{A college} county joint library,
22 it is authorized by an agreement under 43.57 (2m).

23 SECTION 7. 43.15 (4) (c) 4. of the statutes is amended to read:

24 43.15 (4) (c) 4. Enters into a written agreement with the public library system
25 board to participate in the system and its activities, to participate in interlibrary loan

1 of materials with other system libraries, and to provide, to any resident of the system
2 area, the same library services, on the same terms, that are provided to the residents
3 of the municipality or county or members of the tribal entity that established the
4 member library. This subdivision does not prohibit a municipal, tribal, county, or
5 joint public library from giving preference to its residents or members in library
6 group programs held for children or adults if the library limits the number of persons
7 who may participate in the group program, or from providing remote access to a
8 library's electronic database only to its residents.

9 **SECTION 8.** 43.18 (1) (ag) of the statutes is amended to read:

10 43.18 (1) (ag) In this subsection, "participating municipality" means a
11 municipality or tribal entity that operates a public library and is a member of a public
12 library system.

13 **SECTION 9.** 43.18 (2m) of the statutes is amended to read:

14 43.18 (2m) **EXPULSION.** With the approval of the division, a public library
15 system may expel, or reduce aids or services to, a municipality, tribal entity, or county
16 that fails to meet the requirements under s. 43.15 (2) or (4).

17 **SECTION 10.** 43.18 (3) (b) of the statutes is amended to read:

18 43.18 (3) (b) A municipality, tribal entity, or county withdrawing or expelled
19 under this section from a public library system is responsible for its allocated share
20 of the outstanding liabilities of the system on the effective date of its withdrawal or
21 expulsion.

22 **SECTION 11.** 43.18 (3) (c) of the statutes is amended to read:

23 43.18 (3) (c) Upon taking final action under this section to withdraw from or
24 abolish a public library system, the county board or ~~other~~ municipal or tribal entity
25 governing body shall give notice, by registered mail, of the action taken to the

1 governing body of every other municipality, tribal entity, and county participating in
2 the public library system, to the public library system board, and to the division.

3 **SECTION 12.** 43.18 (3) (d) of the statutes is amended to read:

4 43.18 (3) (d) Prior to expelling a municipality, tribal entity, or county from a
5 public library system, the system board shall notify the municipality, tribal entity,
6 or county and the division, by registered mail, of the reason for the action under
7 consideration and shall hold a public hearing concerning the action. The system
8 board shall file a plan for alteration of the system territory under s. 43.13 (2) by
9 November 15 of the year preceding the year in which the expulsion will take effect
10 under s. 43.13 (3) and the division shall adjust state aid under s. 43.24 accordingly.

11 **SECTION 13.** 43.18 (3) (e) of the statutes is amended to read:

12 43.18 (3) (e) A municipality, tribal entity, or county that has withdrawn or that
13 has been expelled from a public library system may participate in a public library
14 system only by fulfilling the requirements for initial participation under s. 43.15 (4)
15 (b) or (c) and by adopting a new plan of library service for the county.

16 **SECTION 14.** 43.19 (1) (b) 1. of the statutes is amended to read:

17 43.19 (1) (b) 1. Except as provided in subd. 2., in a federated public library
18 system whose territory lies within 2 or more counties, the system board shall consist
19 of at least 15 and not more than 20 members nominated by the county executive in
20 each county in the system, or by the county board chairperson in a county without
21 a county executive, and approved by each county board in the system. Appointments
22 shall be in proportion to population as nearly as practical, but, except as provided in
23 subd. 2., each county shall be represented by at least one member on the system
24 board. Each county board may appoint one county board member to the system
25 board. The public library board governing the designated resource library shall have

1 at least one member on the system board. The remaining system board members
2 shall include such representatives of the library boards governing public libraries of
3 participating municipalities, tribal entities, and counties and public members
4 appointed from the counties at large as the county board determines.

5 **SECTION 15.** 43.19 (1) (b) 3. of the statutes is created to read:

6 43.19 (1) (b) 3. Notwithstanding subs. 1. and 2., if a county that participates
7 in a federated public library system provides library service solely under s. 43.57
8 (2m), the tribal entity that maintains the public library under s. 43.57 (2m) shall act
9 as the county board and county board chairperson or county executive under subs.
10 1. and 2.

11 **SECTION 16.** 43.52 (1) of the statutes is amended to read:

12 43.52 (1) Any municipality or tribal entity may establish, equip and maintain
13 a public library, and may annually levy a tax or appropriate money to provide a
14 library fund, to be used exclusively to maintain the public library. The municipality
15 or tribal entity may enact and enforce police regulations to govern the use,
16 management and preservation of the public library. Any municipality or tribal entity
17 desiring to establish a new public library shall obtain a written opinion by the
18 division regarding the feasibility and desirability of establishing the public library
19 before final action is taken. The division shall render its opinion within 30 days of
20 the time the request is received.

21 **SECTION 17.** 43.52 (3) of the statutes is amended to read:

22 43.52 (3) Any municipality or tribal entity may purchase or acquire one or more
23 sites, erect one or more buildings and equip the same for a public library or any
24 library already established; or may adopt, take over and acquire any library already
25 established, by consent of the authorities controlling the same.

1 **SECTION 18.** 43.52 (4) of the statutes is amended to read:

2 43.52 (4) A municipal or tribal public library may contract with library
3 organizations within this state or in adjacent states to provide or receive library
4 services.

5 **SECTION 19.** 43.56 of the statutes is created to read:

6 **43.56 Tribal public libraries.** (1) Upon approval by the county in which the
7 library is to be located and the division, a tribal entity may establish a public library.

8 (2) A tribal public library established under sub. (1) shall be advised by a
9 3-member tribal public library board appointed by the tribal entity. One member
10 shall be the school district administrator for the school district in which the library
11 is located or his or her designee. No more than one member may be a member of the
12 governing body of the tribal entity that established the library.

13 (3) A board under this section shall advise the library on any matter related
14 to library service, and shall, within 60 days of the conclusion of the fiscal year of the
15 county, report to the county and the division information about the appropriations
16 received by the tribal entity and tribal library from the county during the previous
17 fiscal year and an accounting of the expenditure of those appropriations.

18 (4) A public library established by a tribal entity before the effective date of this
19 subsection [LRB inserts date], may, no later than one year after the effective date
20 of this subsection [LRB inserts date], be reestablished as a tribal public library
21 under this section. To reestablish the library, the tribal entity shall modify the
22 library board of the library to satisfy the requirements under sub. (2), reducing any
23 excess library board positions as the positions become vacant.

24 **SECTION 20.** 43.57 (2m) of the statutes is created to read:

INS 7-5

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43.57 (2m) TRIBAL-COUNTY JOINT LIBRARIES. A county board may enter into an agreement with a tribal entity to maintain a public library for the county. The agreement shall require the tribal entity to annually provide to the county library board an accounting of the expenditure of any appropriations received from the county. Sections 43.52 to 43.54 do not apply to tribal-county joint libraries.

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SECTION 21. 43.57 (3) of the statutes is amended to read:

43.57 (3) COUNTY LIBRARY SERVICES. A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities that have established libraries under s. 43.52 or 43.53 or to improve the library services of municipal or tribal public libraries established under s. 43.52 or 43.53. The county library service may operate a library or library service program or may contract with library organizations within this state or in adjacent states for services.

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SECTION 22. 43.57 (4) (bm) of the statutes is created to read:

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43.57 (4) (bm) 1. In a county with a tribal-county joint library under sub. (2m), there shall be a 3-member county library board. Each member shall be appointed by the tribal entity.

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INS 7-17

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2. A board under this paragraph shall have any powers provided in the agreement under sub. (2m), shall advise the library on any matter related to library service, and shall, within 60 days of the conclusion of the fiscal year of the county, report to the county and the division information about the appropriations received by the tribal-county joint library from the county during the previous fiscal year and an accounting of the expenditure of those appropriations.

provide the

under s. 43.58(6)

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SECTION 23. 43.57 (5) (a) of the statutes is amended to read:

1 43.57 (5) (a) Upon the initial establishment of a board under sub. (4) (a) ~~or (b)~~
 2 to (bm), the members shall be divided as nearly as practicable in 3 equal groups to
 3 serve for 2-, 3- and 4-year terms, respectively, following their appointment.
 4 Thereafter, terms shall be for 3 years. Vacancies shall be filled for unexpired terms
 5 in the same manner as regular appointments are made.

6 **SECTION 24.** 43.57 (5) (b) (intro.) of the statutes is amended to read:

7 43.57 (5) (b) (intro.) No compensation shall be paid to the members of a board
 8 under sub. (4) (a) ~~or (b)~~ to (bm) for their services, except as follows:

9 **SECTION 25.** 43.57 (5) (c) of the statutes is amended to read:

10 43.57 (5) (c) A majority of the membership of a board under sub. (4) (a) ~~or (b)~~
 11 to (bm) constitutes a quorum, but any such board may, by resolution, provide that 3
 12 or more members constitute a quorum.

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(END)

INS
8-13

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2582/P2ins
EVM:emw

1 INS-Analysis

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 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.

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3 INS 2-18

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5 **SECTION 1.** 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 2.** 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.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a. 97; 2011 a. 32.

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14 INS 7-5

15 and, subject to reasonable regulations, shall require the tribal college to make
16 the library free for the use of the inhabitants of the county

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INS 7-17

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

INS 8-13

~~X~~
SECTION 3. 43.57 (5) (a) of the statutes is renumbered 43.57 (5) (a) 1.

~~X~~
SECTION 4. 43.57 (5) (a) 2. of the statutes is created to read:

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

~~X~~
SECTION 5. 43.57 (5) (b) (intro.) of the statutes is amended to read:

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

~~X~~
SECTION 6. 43.57 (5) (c) of the statutes is amended to read:

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

~~X~~
SECTION 7. 43.58 (6) (a) of the statutes is amended to read:

43.58 (6) (a) Within 60 days after the conclusion of the fiscal year of the municipality or county in which the public library is located, the library board,

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

History: 1971 c. 152 ss. 10, 20; 1977 c. 26, 418; 1985 a. 176; 1985 a. 177 ss. 42, 43, 48 to 50, 52; 1985 a. 225, 332; 1987 a. 252; 1993 a. 399; 1995 a. 201, 264; 1997 a. 150; 2005 a. 226; 2007 a. 61; 2009 a. 33; 2011 a. 163.

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

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

Mueller, Eric

From: Moore, David
Sent: Tuesday, November 24, 2015 10:55 AM
To: Mueller, Eric
Subject: Changes to LRB-2582/P2 (Tribal Public Libraries)

Eric,

Rep. Mursau would like to request the following three changes to LRB – 2582/P2:

- (1) He would like the draft to define “tribal college” in chapter 43, Stats. For this definition, he would like to apply the definition in s. 39.382 (1) (d)., Stats., to ch. 43. That statute defines tribal college as “an accredited college, operated or controlled by a federally recognized American Indian tribe or band in this state, that meets the requirements of 25 USC 1804.”
- (2) He would like to amend SECTION 4 of the draft to include language that more closely parallels the “reasonable regulations” provisions in s. 43.52, Stats. He would like that section to read as follows (the bolded section is the change):

A county board may enter into an agreement with a tribal college to maintain a public library for the county. The agreement shall require the tribal college to annually provide to the county library board an accounting of the expenditure of any appropriations received from the county and shall require the tribal college to make the library free for the use of the inhabitants of the county, subject to **such reasonable regulations as the tribal college may prescribe in order to render the library’s use most beneficial to the greatest number. The tribal college may exclude from the use of the public library all persons who willfully violate such regulations.** Sections 43.52 to 43.54 do not apply to tribal college-county joint libraries.
- (3) He would like to amend s. 43.15 (4) (c) 4., Stats. to change the reference to a library’s “electronic databases” to a library’s “online resources.”

Thanks,
David



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

12/7/15

S.A. ✓
KRP ✓

rejen

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

✱

certain

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:

NS
2-1
1 **SECTION 1.** 43.12 (8) of the statutes is created to read:

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

6 **SECTION 2.** 43.15 (4) (c) 1. of the statutes is amended to read:

7 43.15 (4) (c) 1. Is established under this chapter. A tribal college–county joint
8 library under s. 43.57 (2m) is a library established under this chapter.

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

10 43.15 (4) (c) 3. Is authorized by its municipal governing body or county board
11 to participate in the public library system. If the library is a tribal college–county
12 joint library, it is authorized by an agreement under 43.57 (2m).

NS
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13 **SECTION 4.** 43.57 (2m) of the statutes is created to read:

14 43.57 (2m) TRIBAL COLLEGE–COUNTY JOINT LIBRARIES. A county board may enter
15 into an agreement with a tribal college to maintain a public library for the county.
16 The agreement shall require the tribal college to annually provide to the county
17 library board an accounting of the expenditure of any appropriations received from
18 the county and, subject to reasonable regulations, shall require the tribal college to
19 make the library free for the use of the inhabitants of the county. Sections 43.52 to
20 43.54 do not apply to tribal college–county joint libraries.

NS
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21 **SECTION 5.** 43.57 (4) (bm) of the statutes is created to read:

1 43.57 (4) (bm) 1. In a county with a tribal college–county joint library under
2 sub. (2m), there shall be a 3–member county library board. One member shall be
3 appointed by the tribal college, one member shall be appointed by the American
4 Indian tribe or band that controls the college, and one member shall be appointed by
5 the county board.

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

10 **SECTION 6.** 43.57 (5) (a) of the statutes is renumbered 43.57 (5) (a) 1.

11 **SECTION 7.** 43.57 (5) (a) 2. of the statutes is created to read:

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

18 **SECTION 8.** 43.57 (5) (b) (intro.) of the statutes is amended to read:

19 43.57 (5) (b) (intro.) No compensation shall be paid to the members of a board
20 under sub. (4) (a) ~~or (b)~~ to (bm) for their services, except as follows:

21 **SECTION 9.** 43.57 (5) (c) of the statutes is amended to read:

22 43.57 (5) (c) A majority of the membership of a board under sub. (4) (a) ~~or (b)~~
23 to (bm) constitutes a quorum, but any such board may, by resolution, provide that 3
24 or more members constitute a quorum.

25 **SECTION 10.** 43.58 (6) (a) of the statutes is amended to read:

1 43.58 (6) (a) Within 60 days after the conclusion of the fiscal year of the
2 municipality or county in which the public library is located, the library board,
3 including a library board under s. 43.57 (4) (bm), shall make a report to the division
4 and to its governing body or, for a library board under s. 43.57 (4) (bm), the county
5 board of the county in which the library is located. The report shall state the
6 condition of the library board's trust and the various sums of money received for the
7 use of the public library during the year, specifying separately the amounts received
8 from appropriations, from the income of trust funds, from rentals and other revenues
9 of the public library and from other sources. The report shall state the condition of
10 all funds in the library board's control and shall state in detail the disbursements on
11 account of the public library during that fiscal year.

12 **SECTION 11.** 43.58 (8) of the statutes is created to read:

13 43.58 (8) Except as provided under sub. (6), this section does not apply to a
14 library board under s. 43.57 (4) (bm).

15 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2582/P3ins
EVM:emw

1 INS 2-1

2

3 **SECTION 1.** 43.01 (7) of the statutes is created to read:

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

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8 INS 2-12

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10 **SECTION 2.** 43.15 (4) (c) 4. of the statutes is amended to read:

11 43.15 (4) (c) 4. Enters into a written agreement with the public library system
12 board to participate in the system and its activities, to participate in interlibrary loan
13 of materials with other system libraries, and to provide, to any resident of the system
14 area, the same library services, on the same terms, that are provided to the residents
15 of the municipality or county that established the member library. This subdivision
16 does not prohibit a municipal, county, or joint public library from giving preference
17 to its residents in library group programs held for children or adults if the library
18 limits the number of persons who may participate in the group program, or from
19 providing remote access to a library's ~~electronic database~~ online resources only to its
20 residents.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a. 97; 2011 a. 32.

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3 (a) A county board may enter into an agreement with a tribal college to
4 maintain a public library for the county.

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

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

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

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



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2582/P3 /1
EVM:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA✓

No
Changes

12/14/15

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.

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

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

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

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)

Parisi, Lori

From: Bruce, Cory
Sent: Tuesday, December 15, 2015 8:44 AM
To: LRB.Legal
Subject: Draft Review: LRB -2582/1

Please Jacket LRB -2582/1 for the ASSEMBLY.