

1993 Assembly Bill 768

Date of enactment: **April 20, 1994**

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1993 WISCONSIN ACT 383

AN ACT *to amend* 40.02 (28), 40.02 (36), 43.17 (9) (a) and 43.19 (2) (a); and *to create* 40.21 (1m) of the statutes, **relating to:** granting the Milwaukee federated library system some of the same powers as multicounty library systems and eligibility to participate in the Wisconsin retirement system and in certain other benefit plans offered by the state.

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

SECTION 1. 40.02 (28) of the statutes is amended to read:

40.02 (28) "Employer" means the state, including each state agency, and any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state and any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, except as provided under ss. 40.51 (7) and 40.61 (3). Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 2. 40.02 (36) of the statutes is amended to read:

40.02 (36) "Governing body" means the legislature or the head of each state agency with respect to employes of that agency for the state, the common council in cities, the village board in villages, the town board in towns, the county board in counties, the school board in school districts, or the board, commission or other governing body having the final authority for any other unit of government ~~or~~ for any agency or instrumentality of 2 or more units of government or for any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more.

SECTION 2m. 40.21 (1m) of the statutes is created to read:

40.21 (1m) Notwithstanding sub. (1), if the governing body of a federated public library system, established under s. 43.19, whose territory lies within a single county with a population of 500,000 or more adopts a resolution to become a participating employer, the effective date shall be January 1, 1994, or the first day of the first month after the effective date of this subsection [revisor inserts date], whichever is later.

SECTION 3. 43.17 (9) (a) of the statutes is amended to read:

43.17 (9) (a) All contracts for public construction, the estimated cost of which exceeds \$5,000, made by a federated public library system whose territory lies within 2 or more counties or by a federated public library system whose territory lies within a single county with a population of at least 500,000 shall be let by the public library system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the system board possesses the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the federated public library system and shall be executed by the system board president and such other board officer as the system board designates.

SECTION 4. 43.19 (2) (a) of the statutes is amended to read:

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43.19 (2) (a) Except as otherwise provided in this paragraph, a federated public library system whose territory lies within a single county shall be deemed an agency of the county. ~~A and a federated public library system whose territory lies within 2 or more counties shall be deemed a joint agency of those counties, but constitutes.~~ A federated public library system whose territory lies within 2 or more counties constitutes a separate legal entity for the following purposes: ~~to have~~ of having the exclusive custody and control of all system funds; ~~to~~

~~hold, holding~~ title to and dispose disposing of property; ~~to construct, enlarge, constructing, enlarging and improve~~ improving buildings; ~~to make, making~~ contracts; and ~~to sue~~ suing and be being sued. A federated public library system whose territory lies within a single county with a population of 500,000 or more constitutes a separate legal entity solely for the purposes of having the exclusive custody and control of all system funds, making contracts and providing benefits to its employees under ch. 40.