

State of Wisconsin



2015 Assembly Bill 704

Date of enactment: **March 30, 2016**

Date of publication*: **March 31, 2016**

2015 WISCONSIN ACT 306

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

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

SECTION 1. 43.01 (7) of the statutes is created to read:
43.01 (7) "Tribal college" means 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](#).

SECTION 2. 43.12 (8) of the statutes is created to read:
43.12 (8) For the purposes of this section, a county that provides library service solely under s. 43.57 (2m) is a county that maintains a consolidated public library, and a tribal college–county joint library under s. 43.57 (2m) is a branch of the consolidated library.

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

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

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

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

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, provide the report under s. 43.58 (6) to the county and the division.

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

SECTION 9. 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.

SECTION 10. 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:

SECTION 11. 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.

SECTION 12. 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, including a library board under s. 43.57 (4) (bm), shall make a report to the division and to its governing body or, for a library board under s. 43.57 (4) (bm), the county board of the county in which the library is located. The report shall state the condition of the library board's trust and the various sums of money received for the use of the public library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the public library and from other sources. The report shall state the condition of all funds in the library board's control and shall state in detail the disbursements on account of the public library during that fiscal year.

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

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