2005 DRAFTING REQUEST

Bill

Received: **10/04/2004**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - libraries**

Extra Copies: **MJL**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Public libraries; miscellaneous changes

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 10/04/2004	lkunkel 10/19/2004 lkunkel 10/22/2004		_____ _____ _____ _____			S&L
/1			rschluet 10/22/2004	_____ _____	mbarman 10/22/2004	lemery 11/12/2004	

FE Sent For:

<END>

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/?	pgrant	/1 lmk 10/19					

FE Sent For:

<END>

Grant, Peter

From: Vander Sanden, Patrick
Sent: Monday, October 04, 2004 3:42 PM
To: Grant, Peter
Subject: Draft Request

Senator Leibham has asked me to request a re-draft of 2003 SB 498 & SB 499. You assisted us with these drafts last session. I have attached a pdf copy of the bills for your use -

Let me know if you have any questions or need any further information.

Thank you.

Patrick

SB-498.pdf SB-499.pdf

Patrick B. Vander Sanden
Office of State Senator Joe Leibham
409 South, State Capitol

Clerk, Joint Committee for Review of Administrative Rules (JCRAR)
(608) 266-2056

2003 SENATE BILL 499

February 26, 2004 – Introduced by Senator LEIBHAM, cosponsored by Representatives FREESE, GRONEMUS, GUNDERSON, HINES, KREIBICH, J. LEHMAN, OTT and BIES, by request of the Department of Public Instruction. Referred to Committee on Education, Ethics and Elections.

AN ACT ***to repeal*** 43.12 (5) and 43.60 (1) and (2); ***to renumber and amend*** 43.58 (2) and 43.60 (3); ***to amend*** 43.12 (1), 43.12 (5m), 43.13 (3), 43.15 (4) (c) 4., 43.15 (4) (c) 5. (intro.), 43.17 (11) (b), 43.52 (1m), 43.54 (1) (a), 43.54 (2), 43.58 (6) (a), 43.58 (7) (b) and 43.64 (2) (b) 1.; ***to repeal and recreate*** 43.60 (title); and ***to create*** 43.15 (5), 43.58 (2) (b), 43.60 (3) (a) (intro.), 43.60 (3) (a) 3. to 5., 43.60 (3) (b), 43.60 (3) (c) and 43.60 (4) of the statutes; **relating to:** various changes to the statutes governing public libraries.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes governing public libraries, including the following:

1. Under current law, a county board may levy a tax for the purpose of providing public library services to county residents. A city, town, village, or school district located in the county is exempt from the county tax if the city, town, village, or school district levies a tax for public library services at a rate that is equal to or greater than the county library tax rate. This bill excludes the amount levied by the county for public library capital expenditures when determining whether a city, town, village, or school district is exempt.

2. The bill provides that regular wages or salary or other recurring payments of a public library may be paid by the appropriate municipal, county, or school district

official by the due date without prior library board approval. The payments must be audited and approved by the library board at its next regular meeting.

3. Current law allows a public library board to invest a gift or endowment as provided under the Uniform Management of Institutional Funds Act. This bill also allows a public board to invest such funds in the manner provided for surplus funds of a county, city, village, town, school district, or technical college district.

4. The bill allows a municipal, county, or joint public library to provide remote access to a library's electronic database only to its residents.

5. The bill excludes any amount spent for capital projects from the financial support required for county or municipal library participation in a public library system.

6. The bill expands the authority of a county board to appoint members to municipal public library boards. Currently, only one or two additional members may be appointed; this bill allows up to five additional members to be appointed, depending upon the proportion of county funding to municipal funding of the public library.

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:

LPS: PIS PWF

1 **SECTION 1.** 43.12 (1) of the statutes is amended to read:

2 43.12 **(1)** By March 1 of each year, a county that does not maintain a
3 consolidated public library for the county under s. 43.57 and that contains residents
4 who are not residents of a municipality that maintains a public library under s. 43.52
5 or 43.53 shall pay to each public library in the county an amount that is equal to at
6 least 70% of the amount computed by multiplying the number of loans reported
7 under sub. (2) by the amount that results from dividing the total operational
8 expenditures of the library during the calendar year for which the number of loans
9 are reported, not including capital expenditures or expenditures of federal funds, by
10 the total number of loans of material made by the public library during the calendar
11 year for which the loans are reported. <u>The library board of the public library entitled</u>

to a payment under this subsection may direct the county to credit all or a portion of the payment to a county library service or library system for shared services.

SECTION 2. 43.12 (5) of the statutes is repealed.

SECTION 3. 43.12 (5m) of the statutes is amended to read:

43.12 **(5m)** Nothing in this section prohibits a county from providing ~~its own additional~~ funding for capital expenditures.

SECTION 4. 43.13 (3) of the statutes is amended to read:

43.13 **(3)** The effective date of the establishment of a system under sub. (1) or of a change under sub. (2) shall be January 1 of the year specified by the division~~, except that the effective date of the establishment of a system approved prior to March 1, 1972, may be either January 1 or March 1, 1972~~.

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 only to its residents.

SECTION 6. 43.15 (4) (c) 5. (intro.) of the statutes is amended to read:

43.15 **(4)** (c) 5. (intro.) ~~Receives funding from the municipal or, for a consolidated county library or a county library service, from the county governing body at a level that is not lower~~ The total amount of funding received from its

governing body or, for a joint public library, its governing bodies, is not less than the average of such funding received for the previous 3 years. The following are not included as funding for purposes of computing the 3–year average:

SECTION 7. 43.15 (5) of the statutes is created to read:

43.15 **(5)** CAPITOL COSTS EXCLUDED. For the purpose of determining the amount of financial support required under subs. (2) (b) and (4) (b) 2. and (c) 5., amounts spent for capitol projects shall be excluded.

SECTION 8. 43.17 (11) (b) of the statutes is amended to read:

43.17 **(11)** (b) A public library in a public library system may refuse to honor valid borrowers' cards of a public library in an adjacent public library system if, in the most recent year in which the public library honored such cards, the total amount of the reimbursement received by the public library ~~for the preceding year~~ from that adjacent public library system, and from counties and municipalities that are located in that adjacent public library system, is less than the adjusted cost incurred for that year by the public library in honoring ~~these~~ the cards.

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

43.52 **(1m)** ~~On and after April 10, 1986, any~~ Any town desiring to establish a new public library or participate in a joint library under s. 43.53 shall in addition to the requirement under sub. (1) obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors shall render decisions within 90 days of the request being received. A town may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the participation by the town in a joint library with a municipality located in another county. The state superintendent shall hold a public hearing on

the appeal within 60 days after receiving notice of the appeal. The state superintendent shall publish a class 1 notice under ch. 985 of the hearing and shall also provide notice of the hearing to the town board, the county board of supervisors and the county library board. The state superintendent shall decide the appeal within 30 days after the adjournment of the public hearing.

SECTION 10. 43.54 (1) (a) of the statutes is amended to read:

43.54 **(1)** (a) Each public library established under s. 43.52 shall be administered by a library board composed in each city of the 2nd or 3rd class or school district of 9 members, in each city of the 4th class of 7 members and in each village, town, tribal government or tribal association of 5 members. Two additional members may be appointed to a library board for a village, town, tribal government or tribal association so that the board has 7 members. Members shall be residents of the municipality, except that not more than 2 members may be residents of other municipalities. Members shall be appointed by the mayor, village president, town chairperson, tribal chairperson or school board chairperson, respectively, with the approval of the municipal governing body. Up to ~~2~~ 5 additional members may be appointed under s. 43.60 (3).

SECTION 11. 43.54 (2) of the statutes is amended to read:

43.54 **(2)** As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within ~~30~~ 60 days after ~~the time designated in this section for~~ the beginning of terms, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

SECTION 12. 43.58 (2) of the statutes is renumbered 43.58 (2) (a) and amended to read:

43.58 **(2)** (a) The library board shall audit and approve all ~~vouchers for the~~ expenditures of the public library and forward the bills or vouchers ~~or schedules~~ covering the ~~same~~ expenditures, setting forth the ~~names~~ name of ~~claimants~~ each claimant or payee, the ~~amounts~~ amount of each ~~claim~~ expenditure. and the purpose for which it was expended, to the appropriate municipal or county financial officer or, in the case of a school district, the school district clerk~~, with~~. The library board shall include a statement ~~thereon~~, signed by the library board secretary or other designee of the library board, that the expenditure has been incurred and that the library board has audited and approved the ~~bill~~ expenditure. The appropriate municipal, county, or school district ~~governing body~~ official shall then pay the bill as others are paid.

SECTION 13. 43.58 (2) (b) of the statutes is created to read:

43.58 **(2)** (b) Notwithstanding par. (a), regular wages or salary or other recurring payments, authorized by the library board and verified by the appropriate library official, may be paid by the appropriate municipal, county, or school district official by the date due or, in the case of salaries, by the regular pay day. The library board shall audit and approve any such payment at its next regular meeting.

SECTION 14. 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 shall make a report to the division and to its governing body. 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 ~~separately~~ the

condition of ~~the permanent trust~~ 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 ~~and shall contain an estimate of the needs of the public library for the next succeeding fiscal year~~.

SECTION 15. 43.58 (7) (b) of the statutes is amended to read:

43.58 **(7)** (b) If a gift, bequest, devise, or endowment is made to any public library, the library board ~~thereof~~ may pay or transfer the gift, bequest, devise, or endowment, or ~~the~~ its proceeds ~~thereof~~, to the treasurer of the municipality or county in which the public library is situated~~,~~; may entrust any such funds ~~therefrom~~ to a public depository under ch. 34; or may pay or transfer ~~that~~ the gift, bequest, devise, or endowment to ~~any member of~~ the library ~~board to be selected by the library board and thereafter to be known as~~ board's financial secretary. If the library board pays or transfers ~~that~~ the gift, bequest, devise, or endowment to the financial secretary, the financial secretary may ~~retain, expend,~~ invest ~~and reinvest that~~ the gift, bequest, devise, or endowment as permitted under s. 66.0603 (1m) or 112.10 (4); or may delegate investment authority for the gift, bequest, devise, or endowment as permitted under s. 66.0603 (2) or 112.10 (5). The financial secretary shall hold office only during membership on the library board and shall be elected annually at the same time and in the same manner as the other officers of the library board.

SECTION 16. 43.60 (title) of the statutes is repealed and recreated to read:

43.60 (title) **County appointments to municipal and joint public library boards.**

SECTION 17. 43.60 (1) and (2) of the statutes are repealed.

SECTION 18. 43.60 (3) of the statutes is renumbered 43.60 (3) (a) 1. and amended to read:

43.60 **(3)** (a) 1. ~~Whenever~~ If the annual sum appropriated by ~~the other municipality or~~ the county ~~under sub. (2) equals or exceeds~~ to the public library is equal to at least one–sixth, but less than one–third, of the annual sum appropriated to the public library by any municipality in which the public library is located during the preceding fiscal year, ~~the mayor, village president, town or county chairperson or tribal chairman of the other municipality or county, with the approval of the governing body thereof, may appoint from among the residents of the municipality or county an~~ one additional member ~~of the library board of the public library and, when such sum equals or exceeds.~~

2. If the annual sum appropriated by the county to the public library is equal to at least one–third, but less than one–half, of the annual sum appropriated to the public library by any municipality in which the public library is located, 2 additional members~~, for a term of 3 years from the July 1 next succeeding such appointment, and thereafter for terms of 3 years. Whenever the appropriation made is less than the one–third specified, the office of one such additional member of the board and, if less than the one–sixth specified, the office of both shall be vacant from the July 1 next thereafter~~.

SECTION 19. 43.60 (3) (a) (intro.) of the statutes is created to read:

43.60 **(3)** (a) (intro.) A county chairperson, with the approval of the county board, may appoint from among the residents of the county additional members to the library board of a public library of a municipality located in whole or in part in the county, for a term of 3 years from the May 1 following the appointment, and thereafter for a term of 3 years, as follows:

SECTION 20. 43.60 (3) (a) 3. to 5. of the statutes are created to read:

43.60 **(3)** (a) 3. If the annual sum appropriated by the county to the public library is equal to at least one–half, but less than two–thirds, of the annual sum appropriated to the public library by any municipality in which the public library is located, 3 additional members.

4. If the annual sum appropriated by the county to the public library is equal to at least two–thirds, but less than the annual sum appropriated to the public library by any municipality in which the public library is located, 4 additional members.

5. If the annual sum appropriated by the county to the public library is equal to at least the annual sum appropriated to the public library by any municipality in which the public library is located, 5 additional members.

SECTION 21. 43.60 (3) (b) of the statutes is created to read:

43.60 **(3)** (b) For a joint public library of 2 or more municipalities, the "annual sum appropriated to the public library by any municipality in which the public library is located" under par. (a) is the total sum appropriated by all of the municipalities participating in the joint library.

SECTION 22. 43.60 (3) (c) of the statutes is created to read:

43.60 **(3)** (c) A county chairperson may appoint a county supervisor to serve as a member of a library board of a public library of a municipality under par. (a), but no more than one county supervisor so appointed may serve on the library board at the same time.

SECTION 23. 43.60 (4) of the statutes is created to read:

43.60 **(4)** If an additional member appointed to a library board under sub. (3) (a) loses the status upon which the appointment was based, he or she ceases to be a member of the library board effective on the following May 1.

1 **SECTION 24.** 43.64 (2) (b) 1. of the statutes is amended to read:

2 43.64 **(2)** (b) 1. Divide the amount of tax levied by the county for public library
3 service under sub. (1) in the prior year, less the amount levied for public library
4 capital expenditures, by the equalized valuation of property in that area of the
5 county that was subject to the county property tax levy for public library services in
6 the prior year.

7 **SECTION 25. Initial applicability.**

8 (1) The treatment of section 43.64 (2) (b) 1. of the statutes first applies to taxes
9 levied in the year beginning after the effective date of this subsection.

10 **(END)**

Emery, Lynn

From: Vander Sanden, Patrick
Sent: Friday, November 12, 2004 9:53 AM
To: Barman, Mike; Emery, Lynn; Northrop, Lori
Subject: Please Jacket for Senate

Mike, Lynn, & Lori,

For some reason or other, the following LRB drafts which one of you emailed to Sen. Leibham's office were misplaced.

The following LRB's need to be Jacketed for Senator Leibham:

0472/1
0412/1
0411/1
0419/1

If you can send the earlier message and have me click the jacket button to do this - that would be great. What ever method works best for you. Thanks.

Patrick

Patrick B. Vander Sanden
Office of State Senator Joe Leibham
409 South, State Capitol

Clerk, Joint Committee for Review of Administrative Rules (JCRAR)
(608) 266-2056