

2005 Senate Bill 272

Date of enactment: **May 19, 2006**  
Date of publication\*: **June 2, 2006**

## 2005 WISCONSIN ACT 420

AN ACT *to renumber* 43.52 (1m); *to renumber and amend* 43.53 (2); *to amend* 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6., 43.24 (6) and 43.64 (2m); and *to create* 43.11 (3) (e), 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (5), 43.52 (1m) (b) and 43.53 (2) (a) and (b) of the statutes; **relating to:** the organization and funding of public libraries and public library systems and granting rule-making authority.

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

**SECTION 1d.** 43.11 (3) (e) of the statutes is created to read:

43.11 (3) (e) The plan of library services for a county may require that a municipality located in whole or in part within the county that operates a public library compensate another municipality located in whole or in part within the county that operates a public library whenever the latter public library provides library services to residents of the municipality that operates the former public library. The plan's compensation for each loan may not exceed the actual cost of the loan, as defined by the department by rule.

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

43.12 (1) By March 1 of each year, a county that does not maintain a consolidated public library for the county under s. 43.57 and that contains residents who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53 shall pay to each public library in the county and to each public library in an adjacent county, other than a county with a population of at least 500,000, an amount that is equal to at least 70% of the amount computed by multiplying the number of loans

reported under sub. (2) by the amount that results from dividing the total operational expenditures of the library during the calendar year for which the number of loans are reported, not including capital expenditures or expenditures of federal funds, by the total number of loans of material made by the public library during the calendar year for which the loans are reported.

**SECTION 2.** 43.12 (2) of the statutes is amended to read:

43.12 (2) By July 1 of each year, each public library lying in whole or in part in a county shall provide a statement to the county clerk of that county and to the county clerk of each adjacent county, other than a county with a population of at least 500,000, that reports the number of loans of material made by that library during the prior calendar year to residents of the county, or adjacent county, who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53 and the total number of loans of material made by that library during the previous calendar year.

**SECTION 3.** 43.15 (1) (a) of the statutes is amended to read:

43.15 (1) (a) Have a population of 100,000 or more. If, because of the withdrawal or realignment of participating ~~municipalities or counties,~~ a public library system

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

has fewer than 3 participating counties and a population under 100,000 200,000, the remaining parts of the system shall realign with an existing system within 2 years after the date on which the population falls below 100,000 200,000.

**SECTION 4.** 43.15 (4) (a) of the statutes is amended to read:

43.15 (4) (a) A public library system may be organized as a single-county federated public library system, a multicounty federated public library system, or a single-county consolidated public library system. Two public library systems may merge with the approval of each public library system board, and the county boards of the participating counties and 51% of the participating public libraries in the system.

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

43.15 (4) (c) 6. Employs a head librarian ~~holding current public library certification from~~ who is certified as a public librarian by the department of public instruction and whose employment requires that he or she be present in the library for at least 10 hours of each week that the library is open to the public, less leave time.

**SECTION 6.** 43.15 (4) (c) 7. of the statutes is created to read:

43.15 (4) (c) 7. Beginning in 2008, annually is open to the public an average of at least 20 hours each week except that for a library in existence on the effective date of this subdivision .... [revisors inserts date], annually is open to the public an average of at least 20 hours or the number of hours each week that the library was open to the public in 2005, whichever is fewer.

**SECTION 7.** 43.15 (4) (c) 8. of the statutes is created to read:

43.15 (4) (c) 8. Beginning in 2008, annually spends at least \$2,500 on library materials.

**SECTION 9.** 43.15 (5) of the statutes is created to read:

43.15 (5) LIMIT. A public library system may not be established if its establishment would cause the number of public library systems to exceed the number in existence on the effective date of this subsection .... [revisor inserts date].

**SECTION 11.** 43.24 (6) of the statutes is amended to read:

43.24 (6) In submitting information under s. 16.42 for purposes of the biennial budget bill, the department shall include an amount for ~~the appropriation under s. 20.255 (3) (e)~~ public library services for each fiscal year of the fiscal biennium equal to 13% of the total operating expenditures for public library services, in territories anticipated to be within all systems in the state, from local and county sources in the calendar year immediately preceding the calendar year for which aid under this section is to be paid. The amount shall include a recommendation for the appropriation under s. 20.255 (3) (e) and recommendations for the funding of other public library ser-

vices, as determined by the department in conjunction with public libraries and public library systems.

**SECTION 12.** 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

**SECTION 13.** 43.52 (1m) (b) of the statutes is created to read:

43.52 (1m) (b) Any city or village that is entirely located in a county that operates and maintains a consolidated public library for the county under s. 43.57, and that desires 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. The common council or village board 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 city or village 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 common council or village 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 14.** 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and amended to read:

43.53 (2) (intro.) Joint library agreements under sub. (1) shall contain provisions necessary to establish a library board under s. 43.54, including a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities, as shown by the most recent federal census, under s. 43.54 (1m) (a) 1; perform the duties under s. 43.58; and own and operate the physical facilities. A joint library agreement shall also do all of the following:

**SECTION 15.** 43.53 (2) (a) and (b) of the statutes are created to read:

43.53 (2) (a) Name one of the participants as the library's fiscal agent, who is responsible for the payroll, benefit administration, insurance, and financial record keeping and auditing for the library. The participant's costs of providing the services under this paragraph count toward the financial support required of the participant under s. 43.15 (2) (b) or (4) (b) 2. or (c) 5.

(b) Include a procedure for the distribution of a joint library's assets and liabilities if the joint library is dissolved.

**SECTION 16m.** 43.64 (2m) of the statutes is amended to read:

43.64 (2m) No city, village, town or school district is exempt from the tax levy under sub. (2) for any year if, by September 1 of the year preceding the year for which the tax is levied, the county board determines that the public library of the city, village, town or school district that is a member of the public library system has not complied with standards approved under s. 43.11 (3) (d) and (e).

**SECTION 17. Initial applicability.**

(1) (a) The treatment of section 43.15 (1) (a) of the statutes first applies to any withdrawal or realignment that occurs on the effective date of this paragraph.

(b) The treatment of section 43.15 (4) (a) of the statutes first applies to mergers occurring on the effective date of this paragraph.

(c) The treatment of section 43.15 (4) (c) 6. of the statutes first applies to employment contracts entered into on the effective date of this paragraph.

(d) The renumbering of section 43.52 (1m) of the statutes and the creation of section 43.52 (1m) (b) of the statutes first apply to final action on the establishment of a new public library or on the participation in a joint library that is taken on the effective date of this paragraph.

(e) The renumbering and amendment of section 43.53 (2) of the statutes and the creation of section 43.53 (2) (a) and (b) of the statutes first apply to joint library agreements entered into, modified, or renewed on the effective date of this paragraph.

(f) The treatment of section 43.12 (1) and (2) of the statutes first applies to payments made by March 1, 2008, for library services provided in 2006 and reported to county clerks by July 1, 2007.

**SECTION 18. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 43.12 (1) and (2) of the statutes takes effect on July 1, 2006.

