



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Assembly Bill 483

**Assembly Substitute
Amendment 1**

Memo published: January 18, 2006

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2005 Assembly Bill 483 addresses requirements for financial support of public libraries and library services that currently apply to municipalities and counties as a condition of being a member of a public library system.

Under *current law*, municipalities and counties that provide library services may be part of a public library system. A public library system consists of all member libraries in a defined geographical area. See, generally, ss. 43.13 to 43.24, Stats. Public library systems serve to improve and extend public library services, promote resource sharing among libraries, and increase access to library materials and services. Library systems receive state aids for coordination and supplementation of services beyond what can be provided by local and county funds. Although optional, all local units of government that provide library services currently participate in a library system.

In order to be a member of a public library system, a municipality or county is required to fulfill certain statutory requirements. Section 43.15, Stats. Among those requirements, a county is required to maintain its financial support of public library services at a level that is at least equal to the average support provided over the previous three years. Section 43.15 (2) (b) to (e), Stats. Similarly, a county library or municipal library must receive support from the county or municipality that is at least equal to the average support provided over the previous three years. Section 43.15 (4) (c) 5. and (4) (e), Stats. These requirements on counties and municipalities are sometimes referred to as “maintenance of effort” requirements.

Assembly Bill 483 repeals the maintenance of effort requirements, described above.

The *substitute amendment* retains the bill’s repeal of the maintenance of effort requirements but includes two additional changes to current library laws.

Under s. 43.11, Stats., a county board may appoint a county library planning committee. A county library planning committee is authorized, among other things, to include in a library services

plan minimum standards of operation for public libraries in the county. Section 43.11 (3) (d), Stats. The county is required to hold a public hearing on any standards proposed. The standards take effect if approved by the county and the public library boards of at least 50% of the participating municipalities in the county that contain, according to the most recent Department of Administration population estimates, at least 80% of the population of participating municipalities in the county. Under the *substitute amendment*, the minimum standards of operation may not include a minimum funding level.

Under s. 43.18 (2m), Stats., a public library system, with the approval of the DPI library division, may expel, or reduce aids or services to, a municipality or county that fails to meet financial and other standards under s. 43.15 (2) or (4), Stats. Notice and public hearing are required before an expulsion. Section 43.18 (3) (d), Stats. The *substitute amendment* also permits expulsion of, or reduction in aids or services to, a municipality if the municipality's public library fails to meet any minimum standards of operation established by the county library planning committee. Thus, under the amendment, if a county library planning committee has proposed minimum standards of operation for public libraries in the county, and those standards have been approved as required by statute, a municipality whose public library fails to meet the minimum standards may be expelled from the public library system or have its aids or services reduced, by action of the public library system with approval of the DPI library division.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Gottlieb. The Assembly Committee on Urban and Local Affairs recommended adoption of the substitute amendment by a vote of Ayes, 5; Noes, 3. The committee reported Assembly Bill 483, as amended, without recommendation under Assembly Rule 19 (1) (a) (vote for passage: Ayes, 4; Noes, 4).

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