

Public Libraries

*Issues and Background for the
Special Committee on State-Tribal Relations*
August 1, 2016, Madison, Wisconsin
Room 411 South, State Capitol

Issue

The treatment of public libraries in state statutes has posed problems for public libraries operated by tribes in Wisconsin. The Department of Public Instruction (DPI) has worked with a number of tribes to try and create ways for public libraries operated by a tribe to be in compliance with state statutes. In spite of these efforts, certain statutory requirements have still resulted in library closures and plans to open libraries to be shelved.

Background

Wisconsin's Public Libraries and the Law

1. The law provides funding for coordinated regional library services.
2. The creation of public library systems fostered the establishment of a strong network of resource sharing and mutually beneficial interdependence.
3. The actual creation and development of public library systems in Wisconsin was a voluntary and gradual process, with Florence County as the last to join a system in 1990. No county or public library is required to be a member of a library system; yet, all of Wisconsin's 72 counties and over 380 public libraries are library system members.
4. In order to belong to a public library system the library board must:
 - a. Be legally established under Chapter 43.
 - b. The municipality establishing the library must approve the library's participation.
 - c. Enter into a written agreement with the system board to participate in the system and its activities.
 - d. 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 that established the member library.
 - e. Employ a head librarian who is certified as a public librarian by the DPI's Division for Libraries and Technology (Division) and whose employment requires that he or she be present in the library for at least 10 hours of each week.
 - f. Be open to the public an average of at least 20 hours each week.

- g. Expend at least \$2500 per year on library materials.
5. Benefits of membership in a Wisconsin Public Library System include:
- a. Delivery of materials from other system libraries.
 - b. Inter-Library Loan services for borrowing materials from other libraries.
 - c. E-Resources: databases provided by the system, as well as access to the Wisconsin Public Library Consortium e-books and downloadable audiobooks, one of the largest Overdrive collections in the country.
 - d. Access to grants provided by the System or awarded to the System by the DPI.
 - e. Training, continuing education, and library consulting services.
 - f. Participation in the library system's shared automation system, allowing faster and simpler access to the broad collections of books and other materials owned by the member libraries and selectable through the online catalog.
 - g. Assistance for reference questions and access to special collections provided by the system resource library.
6. In order to be considered a public library, there are certain requirements the municipality and library must meet:
- a. Obtain an opinion on feasibility and desirability of establishing the public library from the Division of Libraries and Technology (DLT)
 - b. Establish and operate the library under the provisions of Wisconsin Chapter 43 and appoint a board (in the case of tribal libraries, 5 members), including a school district administrator or designee. No more than one member of the municipal governing body may be appointed to the board.
 - c. The board must have exclusive control of the library fund, appoint a library director with the proper certification, and establish reasonable policies for the operation of the public library.
 - d. Complete an annual report due to the Division no later than 60 days after the end of the year.

Public Libraries Operated by Tribes

7. Tribal libraries were not eligible for membership in public library systems, until 1979 Assembly Bill 20 added the phrase "tribal government or tribal association" to the definition of "municipality" in s. 43.001(4).
8. The requirements of current statutes that have been difficult for tribes to meet include:
- a. Maintaining a legal library board, holding regular meetings to provide oversight of the library administration and expenditures from the library fund.
 - b. Retaining library directors who can complete and maintain their library director certification.
 - c. Maintaining regular hours of operation, including having the library open when the director is ill or unavailable.

- d. In some cases, obtaining enough financial support from the tribe to meet the requirement to expend at least \$2500 annually on the library collection.
9. There are currently only other public libraries operated by tribes in Wisconsin.
 - Bad River Public Tribal Library
 - Lac Courte Oreilles Ojibwa (LCO) College Community Library
 - Ben Guthrie--Lac du Flambeau Public Library
 - Oneida Community Library
 10. Two tribal libraries have closed. They are libraries in Red Cliff (2005) and Keshena (2012).
 11. There have been efforts to reestablish a library by the Red Cliff Band of Lake Superior Chippewa. A small collection is now housed in the community center and plans are underway to join the Northern Waters Library System, based in Ashland.

Recent Issues - Keshena and the College of the Menominee Nation

12. In 2012, the public library in Keshena, Wisconsin was closed in Menominee County, and all materials were turned over to the College of the Menominee Nation (CMN). Some of those materials were integrated into the CMN library collection; others discarded. The College signed a memo-of-understanding (MOU) with the tribe to provide library service to residents of the tribe and other residents of Menominee County.
13. 2013 Public library and system annual reports to DPI confirmed that there is no legal public library operating in Menominee County, and the county has not been in compliance for membership in the NFLS under s. 43.15(4)(b).
14. Communication was made with the NFLS director and the CMN library concerning noncompliance as well as an attorney for the Menominee Nation in January and February 2014.
15. In July 2014 the DPI's Division for Libraries and Technology issued letters of noncompliance to both Menominee County and the NFLS Board. The following are required to address non-compliance under current state law:
 - a. NFLS: A plan needs to be created with the division for the County to come into compliance or state aid will be withheld.
 - b. Menominee County
 - i. County must conduct a formal library planning process as required under s. 43.11.
 - ii. The plan must:
 1. provide for library services to residents of those municipalities in the county not maintaining a public library;
 2. include full access to public libraries participating in the public library system;

3. provide for public library service, which may be provided by contracting with existing public libraries in adjacent counties or by the public library system or by creating a county library organization under this chapter [s. 43.11(3)(c)]; and
 4. provide for payments to libraries for that access [s. 43.12].
16. Last year, 2015 Act 306 was signed into law providing a legal mechanism for Menomonie County and the College of the Menominee Nation to operate as a public library under new provisions for a joint county library.
- a. The bill resulted from discussions during the 2015 Special Committee on State-Tribal Relations; however, a model addressing issues for all tribal public libraries was not resolved during the session. Consequently, Rep Mursau sponsored a bill to address the specific issues faced by the Menominee County and the College of the Menominee Nation.
 - b. The new provision allows for a simpler governance structure, with an advisory board composed of 3 members, which oversees expenditures, drafts policies as public library services, and approves the annual report.

The DPI, as well as the director of the Northern Waters Library System, asks that further changes to Chapter 43 be developed to address challenges faced by the other tribal public libraries, as well as the library being established in Red Cliff.