

1989 Assembly Bill 730

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1989 WISCONSIN ACT 286

AN ACT *to repeal* 43.24 (2) (i); *to amend* 43.15 (4) (a), 43.15 (4) (c) 4, 43.17 (1), (2) and (6), 43.24 (2) (intro.), (a) and (b), 43.24 (2) (L), 43.24 (3) and 43.57 (3); *to repeal and recreate* 43.24 (2) (c) and (d); and *to create* 43.16, 43.52 (4), 43.53 (3) and 43.57 (1) (d) of the statutes, **relating to:** various changes to the statutes pertaining to public library systems.

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

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

43.15 (4) (a) A public library system ~~shall designate at least one resource library and~~ may be organized as a single-county federated public library system, a multi-county federated public library system or a single-county consolidated public library system. A single-county public library system, whether federated or consolidated, may become part of a multicounty federated public library system by written agreement of the county board.

SECTION 2. 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 honor valid borrower's cards from other system member libraries and 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.

SECTION 3. 43.16 of the statutes is created to read:

43.16 Resource libraries. (1) (a) Each public library system shall have at least one system resource library. Annually, prior to the expiration of its agreement with its existing system resource library, the public library system board shall negotiate with the member public library with the largest annual operating budget of all member libraries to serve as a system resource library in the following year. If the board and the proposed resource library are unable to reach an agreement for the following year before the expiration date of any existing agreements with resource libraries, the existing agreements shall be extended for one year or until an agreement is reached with that proposed resource library, whichever occurs earlier. The division shall notify the public library system board, the existing resource libraries and the proposed resource library of the extension and, during the period of extension, shall attempt to mediate an agreement between the public library system board and the proposed resource library. If the division determines that the public library system board and the proposed system resource library are unable to reach an agreement before the end of the one-year period, the division shall propose an alternative agreement, which shall be binding if it is acceptable to the proposed system resource library. If the alternative agreement is unacceptable to the proposed system resource library, the board shall negotiate with the member public library with the next largest annual operating budget of all member pub-

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lic libraries to serve as a system resource library in the following year.

(am) An existing contract may be extended under par. (a) only if it was entered into on or after the effective date of this paragraph [revisor inserts date].

(b) The procedure under par. (a) shall be repeated with member public libraries in decreasing order of the size of their annual operating budgets until an agreement is reached with a member public library to serve as a system resource library. Except as provided in par. (a), no agreement may extend beyond December 31 of any year.

(2) If the member public library selected to serve as a system resource library under sub. (1) fails to meet all of the following requirements, the system board shall enter into a supplementary contract with the academic library with the largest operating budget of all academic libraries in the system area, or with a resource library in an adjacent system, that meets all of the following requirements:

(a) The library has a collection of at least 100,000 volumes.

(b) The library is open to the public at least 50 hours each week.

(c) The library employs at least one full-time, permanent reference librarian with a master's degree in library science.

SECTION 4. 43.17 (1), (2) and (6) of the statutes are amended to read:

43.17 (1) BOARD TERMS. Every public library system shall be governed by a board appointed under s. 43.19 or 43.21 ~~upon~~. No person employed by a public library that is a member of a public library system may be appointed to the public library system board. Upon the initial establishment of a board, the members shall be divided as nearly as possible into 3 equal groups to serve for terms expiring on January 1 of the 2nd, 3rd and 4th years, respectively, following their appointment. Thereafter, regular terms shall be for 3 years and shall commence on January 1. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

(2) (title) BOARD ORGANIZATION AND MEETINGS. As soon as practicable after the initial establishment of a system, and thereafter in January of each year, the board shall organize by the election, from among its members, of a president and such other officers as it deems necessary. The board shall meet at least once every 2 months.

(6) COOPERATIVE SERVICES. A public library system may contract with another such system, or with other libraries, library organizations or resource centers within this state or in adjacent states, to provide ~~and~~ or receive library services.

SECTION 5. 43.24 (2) (intro.), (a) and (b) of the statutes are amended to read:

43.24 (2) (intro.) For a public library system to qualify for and maintain its eligibility for state aid under this

section it shall ~~provide~~ ensure that all of the following are provided:

(a) ~~Interloan~~ Interlibrary loan of library materials among all participating public libraries, as evidenced by agreements with those libraries.

(b) ~~Reference~~ Backup reference and referral interlibrary loan services from the system resource library ~~for participating public libraries, including the development of and access to specialized collections~~, as evidenced by ~~an~~ a written agreement with that library.

SECTION 6. 43.24 (2) (c) and (d) of the statutes are repealed and recreated to read:

43.24 (2) (c) The establishment of agreements 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, except for the group programming preference authorized under s. 43.15 (4) (c) 4.

(d) Referral or routing of reference and interlibrary loan requests from libraries within the system to libraries within and outside the system, as evidenced by a plan and service program.

SECTION 7. 43.24 (2) (i) of the statutes is repealed.

SECTION 8. 43.24 (2) (L) of the statutes is amended to read:

43.24 (2) (L) ~~Continuous Cooperation and continuous~~ planning with the division and with participating public libraries, counties and other types of libraries in the system area in regard to, which results in agreements with those libraries for the appropriate sharing of library resources to benefit the clientele of all libraries in the system area and a written plan for furthering cooperative activities among all types of libraries in the system areas as evidenced by a written plan.

SECTION 9. 43.24 (3) of the statutes is amended to read:

43.24 (3) Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall certify to the department of administration an estimated amount to which each system is entitled under this section. Annually on or before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the appropriation under s. 20.255 (1) (e). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the appropriation under s. 20.255 (1) (e). The division may reduce state aid pay-

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ments when any system or any participant thereof fails to meet the requirements of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments to any system if the system or any participant in the system fails to meet the requirements of s. 43.15 (4).

SECTION 10. 43.52 (4) of the statutes is created to read:

43.52 (4) A municipal library may contract with library organizations within this state or in adjacent states to provide or receive library services.

SECTION 11. 43.53 (3) of the statutes is created to read:

43.53 (3) A joint library may not be established unless it includes at least one municipality with a public library established before the effective date of this subsection [revisor inserts date].

SECTION 12. 43.57 (1) (d) of the statutes is created to read:

43.57 (1) (d) A consolidated county library may contract with library organizations within this state or in adjacent states to provide or receive library services.

SECTION 13. 43.57 (3) of the statutes is amended to read:

43.57 (3) COUNTY LIBRARY SERVICES. A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities that have established libraries under s. 43.52 or 43.53 or to improve the library services of municipal libraries established under s. 43.52 or 43.53. The county library service may operate a library or library service program or may contract with ~~existing~~ library organizations within this state or in adjacent states for services.

SECTION 14. Initial applicability. The treatment of section 43.16 of the statutes first applies to contracts with system resource libraries entered into on the effective date of this act.
