

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Education(SC-Ed)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **97hrSC-Ed_Misc_pt20b**

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

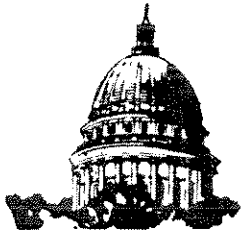
➤ **

➤ Miscellaneous ... Misc

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **



State Senator
Kevin Shibilski

TO: Paul Rusk
FR: Ron Hermes
DATE: August 22, 1997
RE: Senate Bill's 259 and 269

Paul-

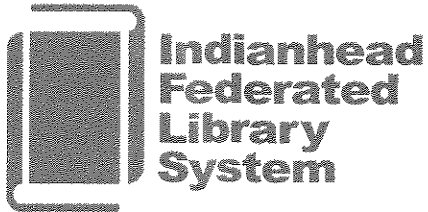
This is a follow up memo to our discussions on August 21st. Per our earlier discussion, Sen. Shibilski does have concerns regarding the opt out provision in Senate Bill 269. It is his opinion that this is bad public policy and sets a precedent that opens the doors for the possibility of municipalities opting out of other county run services.

In speaking with Bill Forde, at the Legislative Council, he is of the opinion that the passage of Senate Bill 259 relating to library lending incentive aid, would address the problem that Section 35 of SB 269 is trying to address. Therefore, rendering Section 35 of SB 269 unnecessary. This would also prevent the precedent setting measure of a municipality opting out of a county run service.

Sen. Shibilski also wanted to let Sen. Potter know that he will only be able to attend the first hour of the committee and is requesting that any executive action taken by the committee to be done within the first hour.

If you have any questions or concerns regarding this memo, please talk to Aaron. I will be on vacation next week.

Thank you for your time and consideration.



1538 Truax Boulevard, Eau Claire, WI 54703-1569
Phone 715-839-5082 ■ Fax 715-839-5151

August 15, 1997

The Honorable Calvin Potter, Chair
Senate Committee on Education
P.O.Box 7882
Madison, WI 53707-7882

Senator Potter:

Yesterday the Indianhead Library System Advisory Council of Librarians reviewed SB259 and SB269 and adopted a position on both.

SB 259 was endorsed without hesitation.

SB 269 was endorsed with one reservation.

Wis. Stats. 43.12 would be created which would require counties to pay libraries in their county at least 75% of the cost of non-resident service. We believe in principle this is a good requirement. Libraries in rural library systems such as ours should receive better support as a result of this law. However, it may damage the county library services which exist in Barron, Pierce, and Polk Counties.

We believe the language needs to be strengthened to protect existing county library services. This could be done by allowing the funds which support county services to count toward meeting the 75% requirement if that is the county's desire. Or perhaps it could be done in some other way.

Our concern is that if counties can't count their county library service funding as part of the 75% they will close their county libraries. My view is that that development would be harmful to library service overall. The coordinating and developmental role of county library services in rural counties with many small libraries cannot be ignored. Moving a county's library appropriation from a county library service to the individual libraries will result in a net reduction in the quality of service overall and it is a reduction which will be most noticeable in our smallest library communities.

So, we encourage you to find a way to support the preservation of county library services through this bill which is something the current language does not do.

Sincerely,

A handwritten signature in cursive script that reads "Milton Mitchell".

Milton Mitchell
Director



**TESTIMONY TO SENATE EDUCATION COMMITTEE ON SENATE BILLS
259 AND 269—DEAN RYERSON, AUGUST 27, 1997**

Senator Potter and members of the Committee, my name is Dean Ryerson. I am Superintendent of the Wisconsin Rapids Public School District and a member of the Board of Trustees of McMillan Memorial Library in Wisconsin Rapids. Thank you for the opportunity to speak in favor of Senate Bills 259 and 269.

Public libraries, like public schools, are under extreme pressure to both reduce spending and increase services to the public. Although this is sometimes possible, meeting both of these goals is often beyond our reach. This challenging new era has the effect of exacerbating problems with funding and governance which have existed for some time. Solving these problems can no longer be delayed if we are to protect our educational institutions.

I have welcomed the discussion of public library funding and governance issues which has taken place during the past year through the Wisconsin Legislative Council's Special Committee on Public Libraries. This comprehensive review of the statutes relating to public libraries was well-timed due to the serious problems in Wisconsin's structure for library development which now must be addressed. I support both Senate Bills 259 and 269 in their entirety and congratulate the Special Committee on Public Libraries for a job well done.

I have been especially pleased with the features of the two bills which address the specific concerns of our library's Board of Trustees. McMillan Library has benefited greatly as a member of the South Central Library System. Using South Central's automation system has significantly reduced our operating costs and, more importantly, has allowed Wisconsin Rapids residents access to 1,800,000 library holdings through a shared on-line catalog. I am pleased that Senate Bill 269 targets an increase in public library system aids after years of funding stagnation. Public library systems must receive funding relief soon if they are to avoid billing local libraries for more and more of the services which they provide. Local libraries are ill-equipped to absorb the cost of library system services.

I am also pleased that both Senate Bills 259 and 269 address McMillan Library's most serious problem, the lack of adequate compensation for our service to non-residents. This problem, which exists throughout Wisconsin, threatens to destroy library cooperation and undermine library systems if it is not addressed. It is essential that all of Wisconsin's residents receive excellent library service and that this service is funded in an equitable manner.

I urge you to support Senate Bills 259 and 269 for these provisions and for the many other excellent measures contained in Senate Bill 269. Thank you.



City of Wisconsin Rapids

444 West Grand Avenue / Wisconsin Rapids, Wisconsin 54495

VERNON R. VERJINSKY

Mayor
(715)421-8216

TESTIMONY TO SENATE EDUCATION COMMITTEE ON SENATE BILLS 259 AND 269 - VERNON R. VERJINSKY, AUGUST 27, 1997

Senator Potter and members of the Committee, I am Vernon Verjinsky, Mayor of the City of Wisconsin Rapids. Thank you for this opportunity to speak in support of Senate Bills 259 and 269.

In 1996 McMillan Library in Wisconsin Rapids received 48% of its combined City/County use from residents of Wood County living outside the City limits. Only 19% of the combined 1997 City/County tax appropriation for the Library came from Wood County. This amount does not include the cost of the building itself or ongoing capital improvements which have been borne by the City alone. McMillan Library also serves many people from outside Wood County who make no contribution whatsoever to the funding of the Library. Last year 9.9% of the Library's loans were to people outside Wood County.


The inescapable conclusion is that Wisconsin Rapids taxpayers are deeply subsidizing the Library use of those living outside the City. It is clear to our Common Council and to the Board of Trustees of McMillan Library that this inequitable pattern of funding must change. This matter is complicated, however, by the fact that, under current law, municipal libraries are required to provide library service to non-resident groups whether or not they provide adequate compensation. Withdrawal of service would result in a library's loss of public library system membership and services. Libraries like ours are forced to choose between accountability to local taxpayers and membership in Wisconsin's library resource sharing community.

Senate Bills 259 and 269 will contribute greatly toward resolving our problem with inadequate compensation for non-resident use of our library. Senate Bill 259 would offer the Library a fifty-cent-per-loan incentive to maintain our service to those living outside the City of Wisconsin Rapids. Senate Bill 269 requires that counties pay a minimum of 75% of the operating costs of municipal libraries. These two provisions together will allow McMillan Library to continue to serve both Wood County residents and those living outside our county. Without these improvements in the law, McMillan Library will need to seriously consider withdrawing service to non-residents. Our City and many others across Wisconsin will need to determine whether public library system membership is worth the high price we pay for uncompensated non-resident use.

Testimony
August 27, 1997
Page 2

I strongly urge your support of Senate Bills 259 and 269. The future of public library development at the local level depends upon resolving of the problem of compensation for non-resident use. Thank you for your time today.

Sincerely,


Vernon Verjinsky
Mayor

VV:kv



Wisconsin Counties Association

MEMORANDUM

TO: The Honorable Members of the Senate Committee on Education

FROM: Kathy Markeland, Legislative Associate *Kathy Markeland*

DATE: August 27, 1997

RE: Senate Bill 259 and Senate Bill 269

The Wisconsin Counties Association supports Senate Bill 259 which would infuse additional state dollars into the statewide library system to partially address the issue of servicing non-resident borrowers. WCA has historically recognized the need for increased state funds to provide a seamless, statewide library system. The funding provided in Senate Bill 259 demonstrates the state's commitment to partnering with local governments to assist them in their efforts to provide these services locally.

With regard to Senate Bill 269, WCA supports the provisions which clarify the manner in which counties plan for library services for non-residents. In addition, the modifications to the statutory language regarding "maintenance of effort" requirements for counties and municipalities participating in a federated library system are reasonable and may provide for a more precise calculation of county and municipal obligations under the law.

While WCA recognizes the efforts of the Legislative Council Special Committee on Public Libraries to bring clarity, sensibility and equity to our statewide library system, we have concerns with a number of provisions contained within Senate Bill 269 which require increased levels of county expenditures to fund library services, while reducing the level of authority of the county board to determine the manner in which those funds are expended.

Under current law, in order to participate in a federated library system, a county must prepare an initial plan of service and maintain their financial commitment to those services at a rate equal to the average expenditure for the past three years. Over the years, as systems have developed and counties expended dollars for library services, the provision of library services has taken many forms. Some counties have chosen to develop county library services which either directly provide library services to county residents residing outside of a municipality with a public library or the county library service contracts with individual municipal libraries, or the system to provide selected services such as bookmobile and books-by-mail. With the establishment of a mandatory payment to each of the individual municipal libraries within the county based upon a per circulation calculation, the county loses the flexibility to determine the best method to

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716-4016
608/224-5330 ♦ 800/922-1993 ♦ Fax: 608/224-5325

Mark M. Rogacki, Executive Director
Darla M. Hium, Deputy Director

Mark D. O'Connell, Legislative Director
Lynda L. Bradstreet, Administrative Director

provide library service. Counties will be forced to divert their current funds away from certain services and focus all of their library dollars on the reimbursement of municipal libraries.

While we would agree that in several regions in the state there are funding issues which need to be addressed, we believe that those funding issues are more likely to be addressed in a cooperative, mutually beneficial manner if the negotiations are left to the local decision makers. By imposing a mandatory, arbitrary formula for payment for services, counties are disadvantaged in their efforts to negotiate appropriate levels of services and compensation for those services provided to county constituents.

The revised language under 43.11 (3)(c) which establishes the process by which counties may review their current county library plans and revise those plans includes the provision that the county plan "shall specify the method and level of funding to be provided the by the county to implement the services described in the plan, including the reimbursement of public libraries for access by residents of those municipalities in the county not maintaining a public library." This language requires counties to provide for reimbursement to public libraries within the county. In light of this proposed language, WCA recommends that section 43.12 which establishes the "75% of circulation" reimbursement requirement be eliminated. By establishing a statewide minimum, the implementation of current local agreements which are under development and negotiation of future service agreements will be further complicated and local relations further strained. Section 43.11(3)(c) provides the mechanism for public libraries to work with county library boards and county boards to establish fair compensation for provision of services to nonresident borrowers.

Counties are also concerned with the appeal process provided under 43.52 (1m). Under current law, a town seeking to withdraw from the county library tax to provide their own library services either through the establishment of a town library or through the formation of a joint library must obtain the approval of the county library board and/or the county board prior to taking final action for withdrawal. The bill provides a process for towns to appeal a county denial to the state superintendent of public instruction. The original law granted counties the responsibility to plan for library services in all areas of the county which were not currently serviced by the library. The county has a direct responsibility to the constituents residing in a town proposing to withdraw to insure that the town has the financial and organizational ability to provide that service in an effective manner. By providing the town with an appeal option, the bill establishes a bypass to local decision makers. At the very least counties should be given the opportunity to review their plan of service and establish the minimum library standards which the bill permits under 43.11(3)(d). Once these standards have been established by the county board, we recommend that the standards be approved by public library boards representing 51% of the population within the county instead of the current 80% proposed in the bill and that those counties which do obtain the requisite support for their standards should not be subject to the appeal process established under 43.52(1m).

WCA Memorandum

August 27, 1997

Page 3

Again, WCA recognizes the difficult task faced by the Legislative Council in seeking to develop solutions to the problems faced by library service providers statewide. The operation of the 17 federated library systems differs significantly and the relationship of the partners within the system varies throughout the state. While the variation in local delivery of services is frequently a source of frustration, the individual public libraries, counties and systems have been granted under the current law, the ability to arrive at local solutions which are more creative and more reflective of local needs than a statewide solution. There are many positive examples of local cooperation throughout the state and we believe that local cooperative efforts can resolve many of the concerns that have arisen as the systems have developed over the years.

WCA respectfully requests your support for Senate Bill 259 and your support for amending the proposed Senate Bill 269 to facilitate cooperative local decision making.

Thank you for your consideration.

Senate Education Committee written testimony, August 27, 1997; regarding SB 259 and SB 269

We are urging support for Senate Bill 259, the incentive program to encourage public libraries to continue to offer open access to persons who live outside municipal library borders.

Madison Public Library, like many other public libraries in the state, is not reimbursed in full for the cost of circulating items to people who don't contribute to the local property tax for libraries. Therefore, Madison taxpayers are subsidizing this service to people who don't live in Madison, but who regularly use one of Madison's eight public libraries.

Publicly supported libraries meet our citizens' needs for access to accurate, comprehensive, unbiased information, and provide an environment that encourages individual exploration. Few of us can afford to purchase every picture book our children will use and enjoy as preschoolers, or every database they will access during their school years. Few of us would choose to build a book collection large enough to meet our day-to-day information needs, or to individually purchase access to all the on-line information we will need. Sharing resources community-wide enables everyone to have access to a wider range of information than any one person could have individually. That's the value of public libraries.

However, public library costs are rising significantly faster than local appropriations; in Madison, within the last five years, our ability to purchase library materials for people to check out has been seriously eroded, and we have had to curtail branch hours. We are losing ground in serving our own constituents, and therefore it becomes more and more difficult for Madison taxpayers to continue to subsidize usage from people who don't live in Madison. SB 259 would provide a much-needed incentive to continue to serve those library users. I urge your support of this measure.

We are also urging support for SB 269, which is a long-overdue measure to bring up-to-date language and procedures affecting public libraries and public library systems. Two items are of particular importance. Section 34. [43.24 (6)] calls for including an appropriation for library systems for each year of the biennium equal to 13% of the total operating expenditures for public library services in that system, and Section 10, [43.12], which requires counties to pay each public library in the county an amount to reimburse the public library for services provided to County residents. As to this last, there are libraries in the state that are not reimbursed for "out-of-border" usage at anywhere near the cost of providing the service. 43.12 would be a step in the right direction to redress that inequity.

Funding for library systems has not been increased for the past three years, and library systems are now looking at having to cut services which directly benefit local library users. Our library's partnership with the South Central Library System is vital to our maintaining local service levels. Specifically, this year the System will fund and implement the delivery of nearly two million books and other library items for people who use Madison's libraries, will provide significant support for our shared automation system and valuable technical support, and will fund contractual interlibrary loan and resource library functions. All of these services are now jeopardized by lack of current system funding, and if reduced or eliminated will have a severe negative affect on Madison's ability to serve its library customers. Here, as elsewhere, state support of public library systems directly affects local library services, and needs to be increased to ensure a strong public library foundation in Wisconsin.

We urge support of these two bills. Thank you for your consideration.

Jack Taft, Trustee, Madison Public Library Board
Barbara Dimick, Director, Madison Public Library

Testimony presented by David Weinhold
at the Hearing on SB 259 and SB 269
before the Senate Committee on Education - Senator Calvin Potter, Chair.
August 27, 1997

Greetings!

Thank you Senator Potter for scheduling this hearing to receive comments on SB 259 and SB 269, two major proposals that will improve and extend quality library services to Wisconsin's citizens. I was honored to serve on the Legislative Council Special Committee on Public Libraries which developed these proposals.

We all have favorite recipes. Recipes that our mothers or grandmothers used to bake those great chocolate chip cookies, that delicious pumpkin pie, that favorite birthday cake, that hot steaming chicken noodle soup, that traditional mondkuchen (poppysseed torte). As the years go by, we discover that those recipes need changing. Some ingredients are no longer available or have become more expensive to purchase, the equipment used to make the recipe has changed, or the methods for mixing or baking the recipe are no longer used. Also our tastes changes or our children's tastes are different so the recipe needs some tinkering to make it enjoyable again.

Well, Chapter 43 is the recipe for public libraries. It is a good recipe for public library service. But time has changed some of the ingredients in public libraries, has changed the methods in public libraries and has changed the cost of public library services. It is time to change some ingredients in the recipe. SB 269 adjusts the recipe.

I wish to speak to those areas of SB 269 that address the county library planning process, the role of standards in the county library plan, the use of those standards in determining the exemption from a county library tax and the requirement that county library service funding is set at 75% of the amount that municipalities invest in library services. These are Sections B, D, E, F, and I in the Legislative Reference Bureau's analysis of the bill.

During the last few years, a number of library systems initiated county library planning committees to revise county plans of library services that were created in the mid to late 70s. Plans that were developed when the most significant electronic technology in the library and most places of business were a telephone, a copier or a desk calculator. During those years, as doors of the municipal libraries across the state opened for countywide library service, the state's citizens without libraries trickled in. However as the urban sprawl bloomed during the 80s and 90s in the

rural, unincorporated areas, the demand for library services increased. Changes in technology came rapidly. No longer were the counties' payments for library services keeping pace with use of and the demands made on public libraries. Those library systems' experience with revising county library plans illustrated the need to the Special Committee on Public Libraries for reviewing the impact countywide library service has on municipal public libraries. The Committee's members realized three things:

#1. Planning for county library services is very important. Just as municipal service plans developed in the 70s would not be useful today, so also are county library plans developed in the 70s not useful. Municipal agencies spend time reviewing and adjusting their plans within the context of changes in the municipality's comprehensive long range plan for development. So must county library planning committees review and adjust the county's library service plan within the context of the county's development. Currently the statutes governing county library planning do not include the responsibility for counties and libraries to review and update that county library plan of service. SB 269 puts that responsibility and that review into chapter 43. It is reasonable to expect that a city, which is in the midst of a growth boom, considers the resources it needs to accommodate its increased population. So must a county examine the effect its growth has on the services it makes available to all the county's residents. The revisions proposed to the county library planning process requires the committees to consider the changes that are occurring - new computer technology, a mobile population, the development of rural areas, and the increased number of exurbanites in unincorporated and rural areas.

#2. That municipalities interested in forming joint libraries needed the ability to form natural geographic alliances. For instance, a populous rural town adjacent to a city with a library should have the ability to ally with that city as a joint library without regard to county boundaries or system boundaries. The joint library improves the tax base from which the library services can be provided and is an excellent example of intergovernmental cooperation.

and #3. The County needs the ability to determine whether a municipality that has a library is able to provide basic library service to the county's non-librariated residents. Presently, the county can only judge the library's effectiveness by the amount its municipality spends on library services. Ch 43.64 allows a municipality to exempt itself from the county library tax if it spends an amount equal to or greater than its share of the county library tax levy. The exemption is an example of how a community can avoid double taxation for library services. However, the Committee noted problems with 43.64. Does a high investment in library services always mean a high level of library services? What if the use of the library with that high investment is very low? What if the county library tax levy is very low, then is the exemption threshold a reasonable threshold? Should not the county be able to ask a library to demonstrate that their municipality provides a basic level of library services before it

grants them an exemption from the county library tax?

I see a connection between the section that requires the county to pay 75% of the municipality's investment in library services and the section that allows the counties to require libraries which serve their residents to meet generally acceptable standards of library service. My experience shows me that because there are no standards, a community neglected its obligation to adequately provide library services to its residents even though there was a high investment in library services. The residents of this community used neighboring libraries very heavily and since the municipality was exempt from the county library tax, those libraries received no compensation for that use. Without additional criteria by which to determine the effectiveness of libraries, counties could lose its county library service tax base, by having communities establish public libraries with a minimum investment and exempting themselves from the county library tax. Not only does the county lose the county library service tax base but this also exacerbates the problem of crossborder borrowing for which libraries receive little or no funding.

More responsible and more frequent county library planning, the ability to establish joint libraries where it makes good economic, geographic and common sense, the library's accountability to its county for exemption from the county library tax and the proper compensation to a library for their municipality's investment in library services are necessary ingredients in this recipe of high quality library service for Wisconsin's citizens.

Respectfully submitted

David Weinhold, Director
Eastern Shores Library System
Sheboygan, WI

GREENFIELD PUBLIC LIBRARY

7215 West Coldspring Road
Greenfield Wisconsin 53220
414 321-9595 fax 414 321-8595

August 26, 1997

TO: Senator Potter and members of the Senate Education Committee
FM: Terri Delke, Director
RE: SB 259

The Greenfield Public Library Board discussed this bill at its August meeting. They can support the bill as printed **IF** the legislature appropriates sufficient monies to cover the costs. The Library Board can not support the change/amendment that Larry Nix of O.L.C.L. reports will be added (i.e. that libraries loaning more than 100 items will receive at most fifty cents per item).

The communities in Milwaukee County have all agreed that the provision of library service to residents is the responsibility of the local governing body (city, village, etc.). They further agreed that this responsibility includes services rendered in other communities or using materials owned by other communities. To this end, the borrowing communities pay the lending communities for the services rendered to the borrowing communities' residents. The repayment rate is based on real costs. A similar arrangement exists in Waukesha County.

Why would, or should, the taxpayers of one municipality provide the funds to support library service and then virtually give this service to the residents of other communities? Specifically, why should the taxpayers of Greenfield provide the funding for a library which cost \$1.46 per item loaned (1996) and then "sell" this service to another community for only fifty cents (or less) per item loaned?

Why would the Legislature tell the taxpayers who are supporting libraries that the value of the service the library is offering is really worth fifty cents (or less) per item borrowed? Why would the Legislature encourage communities to foist their responsibilities onto their neighbors' shoulders? If this bill is enacted, you will be telling our elected officials and our taxpayers it is fiscally more reasonable to utilize the State program for library service. After all, the cost is only fifty cents per item loaned and the direct costs are not part of the local property tax bill.

Thank you,
Terri

Senate Bill 269

August 1997

To: Senator Calvin Potter
and

To: The Legislative Council Special Committee on Public Libraries.

From: The Town Board of McMillan, Marathon County.

We thank Senator Potter and the Members of the Legislature who worked on the Document on Public Libraries. In particular, McMillan Township is appreciative of the proposed legislation (WLCS: 0118/1) which would allow our town to appeal to the Superintendent of Public Instruction regarding county disapproval of a joint library.

Two years ago, when the Marshfield Library in Wood County left the Wisconsin Valley Library System and joined the South Central Library System, McMillan residents lost access to the Marshfield Library due to withdrawal of reimbursement. Then, the Town of McMillan asked to withdraw from the Marathon County Library System so we could join the Marshfield Library in Wood County. We were turned down by the Marathon County Library Board and the County Board of Supervisors. The proposed legislation is important to us because it gives us the right to appeal.

Our children attend the Marshfield schools and we want them to have access to library service within their school district. We feel that our children are at a disadvantage compared to children in Marshfield when we cannot provide them with equal access to library material. In addition, because most McMillan residents work, shop, and/or attend school in Marshfield; it is not feasible to use the Marathon County Library in Wausau as it is too far away, and the branch library is inadequate.

Sincerely,

Stephen S. Drach

Steve Drach, Chairman of the Town of McMillan.

Arlene Larson, Treasurer
Louise Greenlaw, Clerk
Vincent Weber, Supervisor
John Weigel, Supervisor
David L. M. Shivers, Supervisor



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.state.wi.us/agencies/dpi

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

DATE: August 15, 1997

TO: The Honorable Calvin Potter, Chairperson
Senate Education Committee

FROM: Faye Stark, Administrator *Faye Stark*
Division for Finance and Management

SUBJECT: Fiscal Estimate for Senate Bill 259

It has come to our attention that Senate Bill 259, as drafted, does not reflect the intention of the Legislative Council's Special Committee on Public Libraries. The fiscal note we prepared for the original bill indicates that the cost to the state to implement the library lending incentive aid program is approximately \$45 million annually.

Amendment 1 to SB 259 would make the reimbursement payment equal to the number of loans to persons who reside outside the library's primary service area multiplied by 50 cents. If a library makes fewer than 100 loans in a fiscal year, however, the payment is equal to the actual cost of making the loans. This amendment more accurately reflects the Special Committee's intention.

DPI's division for libraries and community learning has estimated that SB 259, with this amendment, will cost the state approximately \$7.5 million annually beginning in 1999-2000.

Thank you for this opportunity to clarify the fiscal impact of Senate Bill 259. If you have further questions or concerns, please contact this office.

SUPPORT SENATE BILL 269

August 1997

**TO: The Honorable Senator Calvin Potter and the Legislative Council
Special Committee on Public Libraries**

FROM: Residents of Day Township, Marathon County, Wisconsin

We thank Senator Potter and the members of the Special Committee on Public Libraries. Senate Bill 269 is important to us because, at least, it provides a township the right to appeal a County Board decision to disapprove a joint library request. As an additional measure, we support legislation that would provide individuals (property taxpayers) the right to appropriate their library services tax to the library system of their choice. Such legislation would eliminate the burden placed on county board supervisors to dictate to residents which library system they must patronize. This legislation would also eliminate the "user's fee" (a double tax) for library services held against some residents and not others.

NAME

ADDRESS

Alan + Emily Kraus	D1974 Elm St. Stratford
Debi + Chuck Kraus	D3238 CTH-M Stratford
Richard + Dolores Kraus	D1968 Elm St Stratford, WI
Daryl J. Beining	D1934 Cty Rd C Stratford WI
Boyer andrus	D2370 Cty C Auburndale WI
Karen Ancher	"
Jim Offer	D-2438 Cty Rd C Auburndale WI
Carol Offer	"
Terry Hamus	D-3295 Cty M Stratford WI
Wayne Wyman	5282 Hwy C Auburndale WI 54402
Pat Kraus	D3067 N. Toledo Dr. Stratford WI 54984

SUPPORT SENATE BILL 269

August 1997

**TO: The Honorable Senator Calvin Potter and the Legislative Council
Special Committee on Public Libraries**

FROM: Residents of Day Township, Marathon County, Wisconsin

We thank Senator Potter and the members of the Special Committee on Public Libraries. Senate Bill 269 is important to us because, at least, it provides a township the right to appeal a County Board decision to disapprove a joint library request. As an additional measure, we support legislation that would provide individuals (property taxpayers) the right to appropriate their library services tax to the library system of their choice. Such legislation would eliminate the burden placed on county board supervisors to dictate to residents which library system they must patronize. This legislation would also eliminate the "user's fee" (a double tax) for library services held against some residents and not others.

NAME

ADDRESS

<i>Joe Klaus</i>	<i>D3067 Appleton Dr. Stratford, Wis. 54484</i>
<i>Merlin & Debbie Math</i>	<i>D2993 Rangelow Rd. Auburnville</i>
<i>Bob & Joan Veus</i>	<i>03940 Veeland Dr Stratford WI</i>
<i>Carol Veus</i>	<i>D1953 Hwy C Stratford WI</i>
<i>Walter M. Wellhoefer</i>	<i>10 2997 Grand Meadow Stratford WI 54484</i>
<i>Bob Schermer</i>	<i>02978 Grand Meadow Rd Stratford WI 54484</i>
<i>Mih Schermer</i>	<i>D 2978 Grand Meadow Rd. Stratford WI 54484</i>
<i>Robin Schermer</i>	<i>D-2978 Grand Meadow Rd. Stratford WI 54484</i>
<i>Kathy Schermer</i>	<i>D 2978 Grand Meadow Rd. Stratford, WI 54484</i>
<i>Joyce Fisher</i>	<i>D 2802 Foly Rd Stratford WI</i>
<i>Shirley Fisher</i>	<i>D2888 Foly Rd Stratford WI, 54484</i>
<i>Joseph W. Fisher</i>	<i>D2802 Foly Rd Stratford WI 54484</i>
<i>Bernice Fischer</i>	<i>1703 N. Chestnut Ave Marshfield.</i>

SUPPORT SENATE BILL 269

August 1997

**TO: The Honorable Senator Calvin Potter and the Legislative Council
Special Committee on Public Libraries**

FROM: Residents of Day Township, Marathon County, Wisconsin

We thank Senator Potter and the members of the Special Committee on Public Libraries. Senate Bill 269 is important to us because, at least, it provides a township the right to appeal a County Board decision to disapprove a joint library request. As an additional measure, we support legislation that would provide individuals (property taxpayers) the right to appropriate their library services tax to the library system of their choice. Such legislation would eliminate the burden placed on county board supervisors to dictate to residents which library system they must patronize. This legislation would also eliminate the "user's fee" (a double tax) for library services held against some residents and not others.

NAME	ADDRESS	
John Kraus	D-1947 Elm St	Stratford, WI
Jerome & Joan Weber	D3077 City M	Stratford, WI 54484
Judy Brining	D3005 City Rd M	Stratford, WI 54484
Pete Brining	D3005 City Rd M	Stratford, WI 54484
Rick Guldau	D1947 Maple St	Stratford WI 54484
Billy Guldau	D1947 Maple St	Stratford WI 54484
John M. ...	D3046 Grand Meadow Rd.	Stratford WI 54484
Jana Franzen	D3046 Grand Meadow	Stratford, WI 54484
Marg & Andy Kloos	D2171 Elm St.	Stratford WI 54484
Judy Bangart	D3055 Bangart Rd.	Stratford, WI 54484
Charles Bangart	D3055 Bangart Rd	Stratford WI 54484
Art Andres	D3097 Bangart RD	Stratford wis 54484

SUPPORT SENATE BILL 269

August 1997

**TO: The Honorable Senator Calvin Potter and the Legislative Council
Special Committee on Public Libraries**

FROM: Residents of Day Township, Marathon County, Wisconsin

We thank Senator Potter and the members of the Special Committee on Public Libraries. Senate Bill 269 is important to us because, at least, it provides a township the right to appeal a County Board decision to disapprove a joint library request. As an additional measure, we support legislation that would provide individuals (property taxpayers) the right to appropriate their library services tax to the library system of their choice. Such legislation would eliminate the burden placed on county board supervisors to dictate to residents which library system they must patronize. This legislation would also eliminate the "user's fee" (a double tax) for library services held against some residents and not others.

NAME

ADDRESS

Jerry Neuhart
Al Merkel

D 9186 Erby-C Stratford
D 2873 Fullz Rd Stratford

SB 269

18 August, 1997

From: Richard Scheuer
M 333 E McMillan St
Marshfield, WI., 54449

To: Chairman,
Committee hearing on changes to library services
Madison, WI., 53708

Dear Committee Members

I am a resident of the Town of McMillan and am interested in making changes to the present system of library use. I live on E. McMillan Street, adjacent to the City of Marshfield, Wood County, and was able to use the services of the Marshfield Library System, all of my life, until politics entered the picture. In 1995 we were notified that because of a change in the District Library Service we would be forced to pay an additional charge to the Marshfield Library in order to continue to use it. This would be in addition to the property taxes we already pay.

I served as Clerk, Town of McMillan, for over 16 years, and in 1995 our town presented a petition to the Marathon County Library System, and Marathon County, to release us from the Marathon County Library System in order for our people to use the Marshfield Library System. Needless to say it was denied because of the fiscal impacts to the Marathon County Library System and Marathon County.

At that time it was estimated that the loss to the Marathon County System would have been \$43,000.00. If we would have been allowed to withdraw from Marathon County and join the Marshfield Library System it would have cost our residents 25% more in tax levy. Our people are not only concerned about the loss of service but our major concern is that the majority of our students attend school in the Marshfield School District, attend the Wood County branch of the University of Wisconsin and Midstate Campus in Marshfield.

I also serve on the Marathon County Board of Supervisors representing the Town of McMillan, Town of Day and that part of the City of Marshfield, lying in Marathon County. As a supervisor, I supported the release of our town from the Marathon County System. Many of the board members supported the need to allow McMillan to withdraw but could not support the move because of the potential fiscal impacts.

I just received my packet of information for our next county board meeting and in it were requests for new personnel positions in the amount of \$826,861.00 for fiscal 1998. When the jail addition and the new juvenile detention facility is fully on line the total fiscal impact is estimated to be \$1,220,749.00. A good example of where we are today. The board had to refuse the release of the Town

SB 269

of McMillan from the Marathon County Library System for a mere \$43,000.00 because of fiscal impact. Only because the state tells us we need to provide for taking care of the problems of society caused by low morals and a lack of responsibility by a small percentage of society we find ourselves in a position to properly support the needs of our responsive citizens.

A major cause of concern is that the majority of our students attend schools in the Marshfield School District, the Marshfield- Wood County Campus of the University of Wisconsin and the Mid State Technical College in Marshfield.

I hope that favorable consideration will be given to the proposed changes to the library system that will once again allow the residents of the town of McMillan to use the Marshfield Library as we have been accustomed to since 1907 when the Marshfield Library was founded.

I wish to take this opportunity to thank you for your consideration and really hope it is positive.

Sincerely


Richard Scheuer

OFFICE OF CORPORATION COUNSEL

Washington County

Washington County Courthouse

432 East Washington Street

P.O. Box 1986

West Bend, Wisconsin 53095-7986

Fax (414) 335-4490

TDD (414) 335-4786

CORPORATION COUNSEL

PATRICK J. FARAGHER

Phone (414) 335-4374

ASSISTANT CORPORATION COUNSELS

CHRISTINE E. OHLIS

Phone (414) 335-4780

KIMBERLY A. NASS

Phone (414) 335-4853

M E M O

TO: Senator Mary E. Panzer, 20th Senatorial District

FROM: Patrick J. Faragher, Corporation Counsel

DATE: January 27, 1998

SUBJECT: 1997 Senate Bill 269 As Amended - Proposed Revisions

On behalf of the Washington County Board of Supervisors and the County Library Board, the following revisions are proposed to be included as one or more amendments to SB 269 as amended. Although these revisions do not address every technical concern, they restore balance to the bill from a county perspective, and more importantly, provide that counties and participating municipalities have the full authority to negotiate for library services consistent with the plan for library services and as mutually agreed.

I apologize for the lack of formality. Within the time permitted, I was not able to put this in corrected amendment format. Your understanding is appreciated.

1997 Senate Bill 269 Section 3 is amended to read:
43.05 General duties of the division. The division shall: (14) After having determined that all system dispute resolution processes have been exhausted, conduct a review of a public library system if at least 30% of the libraries in participating municipalities that include at least 30% of the population of all participating municipalities state in the report under s. 43.58(6)(c) that the public library system did not adequately meet the needs of the library. If the division determines that the public library system did not provide effective leadership and adequately meet the needs of libraries participating in the system, it shall may prepare a plan recommending how the public library system can do so in the future. The plan shall include recommendations designed to foster intra-system communications

and local dispute resolution. The plan shall respect the integrity of system board policy making authority and shall not form the basis for reversal or revision of final system board decisions, in the absence of system board consent. The plan shall be distributed to the public library system board, the boards of all libraries participating in the system and the county boards of all counties participating in the system. In this subsection, "participating municipality" has the meaning given in s. 43.18(1)(c).

1997 Senate Bill 269 Section 10 is amended to read:
43.12 County payment for library services. (3) Notwithstanding sub. (1) and (5) A county may enter into an agreement with a public library system to pay no less than the amounts determined under sub. (1) to the public library system for distribution to the public libraries that participate in that system on such terms and conditions and in such amounts as are mutually agreed. This agreement may include any basis for funding shared services consistent with the plan of library service for the county, including, without limitation, capital expenditures.

(4) Upon request of a county clerk, a public library shall provide access to all books and records used to determine the amount computed under sub. (2) and (3).

1997 Senate Bill 269 Section 18 is amended to read:
43.18(1)(a) With the approval of the governing bodies of participating municipalities that contain, according to the most recent estimate prepared under s. 16.96, at least 80% of the population of participating municipalities in the county, a county may withdraw from a federated public library system whose territory lies within 2 or more counties. For purposes of this paragraph, the term "municipalities" includes any participating county or counties.

1997 Senate Bill 269 Section 39 is amended to read:
43.58(6)(c) The report to the division shall contain a statement by the library board indicating whether the public library system in which the library participated during the year of the report did or did not provide effective leadership and adequately meet the needs of the library and an explanation of why the library board believes so. ~~The division shall design the form of the statement so that it may be removed from the report and forwarded to the division before it is sent to the public library system.~~

FROM: MICHAEL GELHAUSEN  DATE: JANUARY 27, 1998

SUBJECT: SB269 -- COUNTY REVIEW AND SUGGESTIONS

At the County Library Board meeting on January 23, and again in meetings with county officials on January 26, various provisions of SB269 that are opposed by people in Washington County were discussed in detail. Senator Mary Panzer has offered to introduce amendments to SB269 in the Joint Finance Committee if the County could get suggested language changes to her. Based on the discussion the last couple of days within the County and with members of WLA who have been working on this bill for the past eleven months, here are my interpretations of what was said, suggested and probably possible.

Section 3 - Page 6: This section has already been amended by the Senate Committee on Education based upon complaints lodged by Washington County. The amendments have softened the language regarding a DLCL study of a library system. Senator Hueleman's office felt this change handled the problem. Mrs. Stiewe and Mrs. Newman continue to lobby for its complete removal from SB269. This seems unlikely due to the support this section has statewide plus it already has been amended. I think it would be best just to leave it as currently amended.

Section 39 -- Page 22: This section goes hand-in-hand with Section 3, as local library board complaints are what triggers to a DLCL review outlined in Section 3. Again, Mrs. Stiewe and Mrs. Newman prefer to see this section removed entirely, but this also seems unlikely as there is statewide support for providing a local board the opportunity to formally complain about its system. There have been some lengthy suggestions for wording changes involving the exhaustion of discussions at the local level before a complaint can be filed. I cannot see such an amendment being accepted because it may change the nature of the section as written. Possibly a more acceptable change would be to remove the words "provide effective leadership and" found in the last line on page 22. This change matches the amendments made in Section 3. Another change would be to alter the first sentence on page 23 to read "The division shall design the form for this statement.". The rest of the sentence would be eliminated, going away with any perceived "secret" complaint to DLCL. While this does not eliminate the problem Mrs. Stiewe and Mrs. Newman have with this section, they have both said such a change would be more acceptable than the current language.

Section 8 -- Page 9: This is enabling legislation to allow individual county library boards the right to develop minimum operating standards in cooperation with their libraries. Mr. Faragher felt this was a good section as amended by the Senate Committee on Education, the County shouldn't have a problem with it. Mrs. Stiewe is unsure how a county could develop acceptable minimum standards if the state is unable to have enforceable standards for libraries statewide. Again, this section is optional and has statewide support. This doesn't seem to be an issue any longer.

Section 35 -- Page 20: This section has also been amended to allow for the Superintendent of Public Instruction's involvement only in disputes involving joint library cross-county issues. Mr. Faragher felt the change was good, as this section protects the rights of a township to decide what is better for its residents. This doesn't seem to be a county issue any longer.

Section 18 -- Page 15: The main complaint from Washington County was the fact that every county had to vote to join a specific library system. Yet if there is a move to leave that system, this section wouldn't give the county a vote on the issue. In reviewing this with other library people, it was discovered that statute 43.01 (3) does not define a county as a municipality. This is probably a major oversight in the statutes which needs to be addressed. However, such a review would bog SB269 down as Chapter 43 in its entirety must be looked at. To make the county's role clearer in a system change decision, it is suggested that the following sentence be added at the end of the current language in Section 18: "For the purposes of this Section, counties shall be considered participating municipalities". Again, such language does not change the intent of the section as proposed and it helps clarify the county's role in such a major administrative decision.

Section 10 -- Page 10: This is probably the biggest sticking point for Washington County. Mr. Faragher stands by his opinion that the current language would void any current library contract, and prohibit the development of future contracts. He has suggested language changes to Senator Huelman's office, which has returned an opinion to him that contracts can continue to be honored and developed plus Article 5 on Page 11 in Section 10 clearly gives counties the right to negotiate funding for any variety of services over and above the current proposed 70% minimum. This seems to be a case where Washington County truly stands alone on this issue, and I have been really unable to find some simple, acceptable language to suggest an amendment. Mr. Faragher is supposedly working on some suggested changes to submit to Senator Panzer. The easiest amendment might be to insert some statement after 43.53 in line 5 of the section to read something like this "and which has not negotiated a mutually agreeable library services contract with its participating municipalities". This might handle some of Mr. Faragher's concerns but I am not sure it would be something simple that would be accepted by a legislative committee without lengthy discussion. The basic feeling throughout the state is this section is being interpreted wrongly by our corporation counsel, and he strongly stands by his opinion. This will be extremely difficult to solve.

The bottom line is a resolution is currently being prepared for the County Board of Supervisors that will request that SB269 be sent back to the Senate Committee on Education to further review. The majority of what needs to be amended probably can be done by Senator Panzer in Joint Finance or from the floor of the Senate when the bill is formally discussed. This bill contains some very important library legislation that has taken years to get recognized. We need to make every effort to see that this bill moves through the legislative process, amended as possible to handle Washington County concerns. I don't believe this resolution does anyone any good, and I will probably be requesting that my supervisors consider voting against it as right now it seems the county accepts 39 of the bills 43 Sections. Why ask that the bill be buried back in Committee when you support 90% of it? If you have any additions, corrections or great ideas to give me after reading this, please let me know.

OFFICE OF CORPORATION COUNSEL

Washington County
Washington County Courthouse
432 East Washington Street
P.O. Box 1986
West Bend, Wisconsin 53095-7986
Fax (414) 335-4490
TDD (414) 335-4786

CORPORATION COUNSEL
PATRICK J. FARAGHER
Phone (414) 335-4374

ASSISTANT CORPORATION COUNSELS
CHRISTINE E. OHLIS
Phone (414) 335-4750
KIMBERLY A. NASS
Phone (414) 335-4853

M E M O

TO: Senate Committee on Education
FROM: Patrick J. Faragher, Corporation Counsel
DATE: August 27, 1997
SUBJECT: Senate Bill 269 (Libraries) Transcript of Remarks

What follows is a transcript of my remarks on behalf of the Washington County Board of Supervisors in opposition to Senate Bill 269. Thank you for your kind attention to these comments:

Thank you Mr. Chairperson, Senators

I am Patrick Faragher, the Corporation Counsel for Washington County.

Our county is represented by Senators Darling, Huelzman and Panzer.

The Administrative Committee of the Washington County Board of Supervisors directed me to appear before you today to express their concerns with Senate Bill 269. Committee members would be here today, however, the committee is conducting budget hearings.

On August 19, 1997, we became aware of Senate Bill 269. The activity of the Legislative Council's Special Committee on Libraries was known to us, but the tenor of Senate Bill 269 came as quite a shock.

Washington County is not opposed to everything in the bill, but rather the County Board is opposed to the bill's reversal of the County Board's traditional policy making role with regard to county-wide library services. Money is not an issue for the Washington County Board.

Currently, County Board financial support stems from a plan which covers the nature and extent of the services provided. County Boards have substantial policy making authority. That is their traditional legislative role.

Senate Committee on Education
August 27, 1997
Page 2

Senate Bill 269 results in the board being simply a contributor of funds with no real policy role. Rather, that role would be discharged by employees of the State Division for Library Services and Community learning and by local libraries.

Please allow me to give three examples.

In Section 8 of the Bill a county may set standards for public libraries after a public hearing. . . . However, these standards take effect only after approval by the Public Library Boards of participating municipalities that contain at least 80% of the population of all participating municipalities.

Imagine if standards you set for counties were subject to the consent of 80% of counties by population. Who is the true policy maker?

A second example. . . .

In Section 35 of Senate Bill 269, if a County Board denies the request of a town to establish a library, that decision is appealable to the State Superintendent. The superintendent is empowered to reverse the decision of the County Board.

Bureaucratic review of legislative decisions is very unusual.

A third example is found in Section 3. . . .

The Division for Library Services and Community Learning is authorized to investigate a public library system on request of 30% of participating libraries, by population. The subject of the investigation is whether the system provided effective leadership and adequately met the needs of the library.

Please keep in mind that the leaders to be investigated are local elected officials and citizens appointed by local governing bodies. Although the investigation may only result in a plan, it is unusual to find legislation which allows state employees to evaluate the effectiveness of locally elected and appointed officials.

The Washington County Board respectfully asks that you carefully consider the full effects of Senate Bill 269.

As a minimum, the board asks you to be fully aware as to how this bill would marginalize county elected policy makers while requiring a county levy which is virtually automatic.

In these days of Rate and Levy restraints, county supervisors need more flexibility, not less.

Thank you again for this opportunity.

OFFICE OF CORPORATION COUNSEL

Washington County

Washington County Courthouse

432 East Washington Street

P.O. Box 1986

West Bend, Wisconsin 53095-7986

Fax (414) 335-4490

TDD (414) 335-4786

CORPORATION COUNSEL

PATRICK J. FARAGHER

Phone (414) 335-4374

ASSISTANT CORPORATION COUNSELS

CHRISTINE E. OHLIS

Phone (414) 335-4780

KIMBERLY A. NASS

Phone (414) 335-4853

M E M O

TO: Senator Mary E. Panzer

FROM: Patrick J. Faragher, Corporation Counsel

DATE: August 26, 1997

SUBJECT: Senate Education Committee Hearing August 27, 1997 -
9:30 a.m. - Senate Bill 269

The Administrative Committee of the Washington County Board of Supervisors met on August 25, 1997, to consider the implications of 1997 Senate Bill 269 on the provision of library services in Washington County. Those supervisors in attendance and staff were alarmed at the implications of this initiative. The committee directed that I write you immediately and ask you to help bring these concerns to the attention of the Senate Education Committee. I intend to appear at the August 27, 1997 hearing.

This proposal fundamentally changes the way a County Board relates to the provision of library services. Under current law, there is a negotiated process between the county and its constituent municipal libraries regarding the amount of support which will be provided. In addition to maintenance of support requirements pertaining to counties, the county has a similar requirement of the libraries it supports. Under the proposal, the negotiation process is abandoned in favor of a unit charge which is largely automatic.

Nearly every policy decision which is customarily made by elected officials would be made by bureaucrats at state level or local library employees. County Board Supervisors would lose policy oversight and would simply become a source of funds.

The bill contains a very clear example of this shift in authority from the elected officials to library staff. The bill would enable the Division of Libraries and Community Learning to investigate a public library system regarding its effectiveness.

Senator Mary H. Panzer
August 26, 1997
Page 2

It is the decisions of the elected and appointed members of Library Boards and the Federated System Board which are subject to this investigative function. It is unprecedented that the policy decisions of the elected and appointed members of boards would be subject to this kind of bureaucratic review.

Senate Bill 269 is especially troubling for Washington County. We have just completed negotiating a five year contract to provide library services within the county. This contract breaks new ground in that, among other things, it provides compensation based upon the capital investment that libraries have in their buildings. It also covers such matters as automation, outreach services and the purchase of hardware and software. If this bill passes, the authority underpinning this contract would be gone. The intent of the law seems to be to make county participation predictable and automatic, thus depriving County Boards of their traditional policy making authority.

I know this legislative initiative has been described as not controversial. That is simply not the case. The county is very concerned with legislation which would turn our current library plan on its head. Thank you for your assistance.

PJF:jk

cc: Sherlyn J. Stiewe