

1999 DRAFTING REQUEST

Bill

Received: **09/8/98**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Education - libraries**

Extra Copies: **MJL**

Topic:

Library lending incentive aid

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 09/8/98	jgeller 09/11/98		_____			S&L
/1			ismith 09/14/98	_____	lrb_docadmin 09/14/98		S&L
/2	grantpr 10/6/98	gilfokm 10/6/98	lpaasch 10/7/98	_____	lrb_docadmin 10/7/98		S&L
/3	grantpr 10/23/98	gilfokm 10/23/98	jfrantze 10/26/98	_____	lrb_docadmin 10/26/98	lrb_docadmin 01/27/99	

FE Sent For:

2/24/99

<END>

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/26/98

To: Public Instruction

Relating to LRB drafting number: LRB-0020

Topic

Library lending incentive aid

Subject(s)

Education - libraries

1. **JACKET** the draft for introduction Tom Johnson
in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Assistant Chief Counsel
Telephone: (608) 267-3362

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FE Sent For:

13-10-23
KG

10/26

Jb/KM
12/26

ENDS

1999 DRAFTING REQUEST

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/1		12-10-6	ismith 09/14/98	_____	lrb_docadmin 09/14/98		

FE Sent For:

10-76P.

~~10-76P.~~
SF
<END>

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/?	grantpr	1-9-11-98 JG	IS 9/14	IS/LP 9/14			

FE Sent For:

<END>

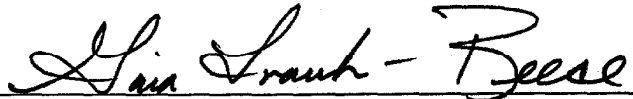
**DEPARTMENT OF PUBLIC INSTRUCTION
1999-2001 LEGISLATIVE SESSION
DRAFTING REQUEST TO THE LEGISLATIVE REFERENCE BUREAU**

- Draft for Possible 99-01 Budget Bill Introduction (*Agency Decision Item No. XXXX*)
- Draft for Possible Introduction as Department-sponsored or Independent Bill

Subject: Incentive Payments to Public Libraries

Request Date:

Reviewed by:



Gina Frank-Reece, Agency Budget Director

Agency Contact:

Tom Johnson, Analyst 266-2819

Larry Nix, Division for Libraries and Community Learning, 266-7270

Brief Description of Intent:

This proposal will provide an incentive payment to public libraries for each item loaned to a non-resident.

Related Stat. Citations:

Provide \$7,495,500 million GPR in FY00 and \$7,570,400 million GPR in FY01 under 20.255 (3)(ef) for public library incentive aid program.

Create a new section under Chapter 43, Wis. Stats., that establishes a lending incentive aid program.

⇒ Additional material(s) are attached if checked

DESCRIPTION OF CURRENT LAW AND PROBLEM:

All public libraries in the state voluntarily participate in one of 17 public library systems. A requirement of system participation is that public libraries serve all residents of the system area on the same basis that they serve their own residents. This level of open access is in jeopardy because public libraries that provide access to residents who live outside of their community feel they are not being adequately reimbursed for this service, especially when nonresident borrowers reside in a municipality that maintains a public library. In addition, a public library located in one public library system area is not required to serve residents who live in another public library system area unless it receives adequate compensation. The result of this provision is that many state residents are not able to use the public library that is most convenient to them and meets their information needs.

BACKGROUND:

Approximately 14,550,000 non-resident loans were made in 1996, representing 31 percent of the total number of loans. Types of non-resident borrowing include county residents borrowing from a municipal library, municipal residents with a public library borrowing from another municipal library, and residents from one system borrowing from a public library in another system area. The cost of providing public library service is often determined on a per loan basis, arrived at by dividing a public library's total costs by the total number of loans to library users. In 1997, this cost was \$2.72.

RECOMMENDATION:

Provide an incentive payment to public libraries of approximately 50 cents for each item loaned to a non-resident either directly in person. This request recognizes the state's interest in promoting convenient access to public library service regardless of political boundaries

Only public libraries that are members of a public library system and are in compliance with the requirements in s. 43.15 (4) (c) would be eligible for this program. The recommended funding for the program (\$7.495 million in FY00 and \$7.57 million in FY01) is based on a reimbursement rate of 50 cents per loan; however, the 50 cent rate should not be identified in the statutes. Instead, the legislation should provide a method for establishing the amount due to each public library for each loan it makes. To calculate the amount due each library, the division for library services would annually collect information and determine the total number of loans by all public libraries in the state to persons who reside outside of the library's primary service area, but in the state, in the previous year.

The total number of loans for the state would be divided into the appropriation for the present fiscal year. The quotient is the amount that the state would pay each public library for each loan made to non-residents. Payment due each public library would be certified by the division to the department of administration on or before April 30.

DN

LRB-0020/1
PG-jlg

1997 SENATE BILL 259

July 10, 1997 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Education.

- 1 AN ACT to create 20.255 (3) (ef) and 43.25 of the statutes; relating to: library
- 2 lending incentive aid and granting rule-making authority.

rephrase

and making an appropriation

Analysis by the Legislative Reference Bureau

~~This bill is explained in the NOTE provided by the joint legislative council in the bill.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

~~PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on public libraries.~~

Establishment: Eligibility

This bill creates a state library lending incentive aid program, administered by the division for libraries and community learning in the department of public instruction (DPI), to provide an incentive to public libraries to lend library materials to persons who reside outside the library's primary service area.

Calculation of Incentive Aid Amount

~~With reference to calculating the basic incentive amount to public libraries that are eligible under the new program, the bill requires the DPI to establish a procedure for determining the number of loans made by each public library to persons who reside outside the library's primary service area (defined in the bill) or outside the county in which the library is located. "Loan" is defined to mean a unit of service that involves the checking out of a single item from a library to an individual for use outside the library for a specific period of time (definition in s. 43.17 (11) (a)).~~

~~(w/ff) The payment to a library for the number of loans made is equal to the number of loans, as calculated above, multiplied by 50 cents. If a library makes more than 100 loans in a fiscal year, however, the payment is equal to the actual cost of making the loans.~~

move

WPO-12 pt

plain

made by the library multiplied by the amount determined by dividing the amount appropriated for lending incentive aid by the total number of such loans made by all public libraries.

If the appropriation for this incentive program in any fiscal year is insufficient to pay the full amount to each eligible public library, the department of administration must prorate the payments among the public libraries entitled to payments.

Effective Date
The bill specifies that, if these provisions are enacted into law, the effective date of the new law is July 1, 1999.

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SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

1999-00 2000-01
~~1997-98~~ ~~1998-99~~

20.255 Public instruction, department of

(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS

(dm) Public library lending incentive aid

7,495,000 7,570,400
 -04/ -04/

SECTION 2. 20.255 (3) of the statutes is created to read:

20.255 (3) Public library lending incentive aid. The amounts in the schedule for public library lending incentive aid under s. 43.25.

SECTION 3. 43.25 of the statutes is created to read:

43.25 Public library lending incentive aid. (1) DEFINITIONS. In this section:

(a) "Loan" means a loan, as defined in s. 43.17 (11) (a), to a person who resides outside the public library's primary service area.

(b) "Primary service area" means the area that a public library under s. 43.52, 43.53 or 43.57 (1) is established to serve.

(2) AID CALCULATION. Except as provided in par. (b), annually the state shall pay to each public library that participates in a public library system an amount

resident of this state

INSERT 2-20

lending incentive aid

1 equal to the number of loans made by the public library in the previous fiscal year
2 multiplied by 50 cents.

3 (b) If a public library makes more than 100 loans in any fiscal year, the state
4 shall pay the public library an amount equal to the actual cost of making loans in the
5 previous fiscal year, as determined by the department according to the rules
6 promulgated under s. 43.24 (2) (n), instead of the amount under par. (a)

7 (3) PAYMENT OF AID. ~~It~~ Annually by April 30, the division shall certify to the
8 department of administration the amount to which each public library is entitled
9 under this section. ~~Except as provided in par (b)~~ annually by June 30[✓] the
10 department of administration shall pay the certified amounts to the public libraries
11 from the appropriation under s. 20.255 (3) ~~(n)~~ (dm)[✓]

12 (b) If the appropriation under s. 20.255 (3) ~~(n)~~ in any fiscal year is insufficient
13 to pay the full amount of aid under this section, the department of administration
14 shall prorate the payments among the public libraries entitled to such aid according
15 to the percentage of total aid that each public library would be entitled to receive if
16 the amount appropriated were sufficient.

17 (4) RULES. [✓] The department shall promulgate rules establishing a procedure for
18 determining the number of loans made by a public library for the purposes of this
19 section.

20 SECTION 4. Effective date.

21 (1) This act takes effect on July 1, 1999. [✓]

22 (END) [✓]
D-NOTE
↓

(DN)

#1. This bill includes an effective date of July 1, 1999. Is that correct? Will DPI DPI be able to determine the number of loans made by all public libraries to nonresidents in the 1998-99 fiscal year? Note that if the bill is not enacted until the fall of 1999 or the spring of 2000, the effective date and the amount appropriated for the 1999-2000 fiscal year will need to be changed.

#2. If this bill is enacted before the enactment of the 1999-2001 biennial budget bill, the amounts specified in the appropriation schedule may be eliminated as a result of the repeal and recreation of the schedule by the budget act.

PG

INS 2-20

(w/ff) The division shall determine the amount ~~to~~

~~thereof~~ to which each such public

library is entitled as follows:

FF (a) Determine the number of loans made in the previous fiscal year by all public libraries that participate in public library systems. ~~in the~~ ~~total~~ ~~in the~~ ~~previous fiscal year~~

FF (b) Divide the amount appropriated under s. 20.255 (3) (b) in the current fiscal year by the ~~new~~ number determined under subd. 1.

FF (c) Multiply the number of loans made by the public library in the previous fiscal year by the quotient ~~ratio~~ obtained under subd. 2.

(end ins)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0020/1dn
PG:jlgr:ijs

September 14, 1998

1. This bill includes an effective date of July 1, 1999. Is that correct? Will DPI be able to determine the number of loans made by all public libraries to nonresidents in the 1998-99 fiscal year? Note that if this bill is not enacted until the fall of 1999 or the spring of 2000, the effective date and the amount appropriated for the 1999-2000 fiscal year will need to be changed.

2. If this bill is enacted before the enactment of the 1999-2001 biennial budget bill, the amounts specified in the appropriation schedule may be eliminated as a result of the repeal and recreation of the schedule by the budget act.

Peter R. Grant
Assistant Chief Counsel
267-3362

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FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0020/1dn
PG:jl:ijs

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1. This bill includes an effective date of July 1, 1999. Is that correct? ^{yes} Will DPI be able to determine the number of loans made by all public libraries to nonresidents in the 1998-99 fiscal year? Note that if this bill is not enacted until the fall of 1999 or the spring of 2000, the effective date and the amount appropriated for the 1999-2000 fiscal year will need to be changed.

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Assistant Chief Counsel
267-3362



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0020/2
PG:jl:ijs

↑
stays

500m

1999 BILL

1 AN ACT to create 20.255 (3) (dm) and 43.25 of the statutes; relating to: library
2 lending incentive aid, granting rule-making authority and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a state library lending incentive aid program, administered by the division for libraries and community learning in the department of public instruction (DPI), to provide an incentive to public libraries to lend library materials to persons who reside outside the library's primary service area.

The bill requires DPI to establish a procedure for determining the number of loans made by each public library to persons who reside outside the library's primary service area. The payment to a library is equal to the number of loans made by the library multiplied by the amount determined by dividing the amount appropriated for lending incentive aid by the total number of such loans made by all public libraries.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

BILL

1999-00

2000-01

1

2

20.255 Public instruction, department of

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(3) AIDS TO LIBRARIES, INDIVIDUALS AND

4

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(dm) Public library lending incentive

6

aid

GPR

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7,495,000

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SECTION 2. 20.255 (3) (dm) of the statutes is created to read:

8

20.255 (3) (dm) *Public library lending incentive aid.* The amounts in the

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10

SECTION 3. 43.25 of the statutes is created to read:

11

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12

section:

13

(a) "Loan" means a loan, as defined in s. 43.17 (11) (a), to a resident of this state

14

who resides outside the public library's primary service area.

15

(b) "Primary service area" means the area that a public library under s. 43.52,

16

43.53 or 43.57 (1) is established to serve.

17

(2) **AID CALCULATION.** Annually the state shall pay lending incentive aid to each

18

public library that participates in a public library system. The division shall

19

determine the amount to which each such public library is entitled as follows:

20

(a) Determine the number of loans made in the previous ~~year~~ year by all public

21

libraries that participate in public library systems.

22

(b) Divide the amount appropriated under s. 20.255 (3) (dm) in the current

23

✓ fiscal year by the number determined under *sub par. (a).*

BILL

1 (c) Multiply the number of loans made by the public library in the previous
2 ~~year~~ year by the quotient obtained under ~~subd. (b)~~ par. (b).

3 (3) PAYMENT OF AID. Annually by April 30, the division shall certify to the
4 department of administration the amount to which each public library is entitled
5 under this section. Annually by June 30 the department of administration shall pay
6 the certified amounts to the public libraries from the appropriation under s. 20.255
7 (3) (dm).

8 (4) RULES. The department shall promulgate rules establishing a procedure for
9 determining the number of loans made by a public library for the purposes of this
10 section.

11 **SECTION 4. Effective date.**

12 (1) This act takes effect on July 1, 1999.

13

(END)

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Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

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To: Public Instruction

Relating to LRB drafting number: LRB-0020

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Subject(s)

Education - libraries

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

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Peter R. Grant, Assistant Chief Counsel
Telephone: (608) 267-3362



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0020/2 3

PG:jlg:lp

↑
stays

1999 BILL

DN
5/00m

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1999-00

2000-01

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20.255 Public instruction, department of

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(dm) Public library lending incentive

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7,495,000

7,570,400

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43.53 or 43.57 (1) is established to serve.

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(2) **AID CALCULATION.** Annually the state shall pay lending incentive aid to each

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19

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20

(a) Determine the number of loans made in the previous ~~fiscal~~ ~~year~~ year by all public

21

libraries that participate in public library systems.

22

(b) Divide the amount appropriated under s. 20.255 (3) (dm) in the current

23

fiscal year by the number determined under par. (a).

BILL

1 (c) Multiply the number of loans made by the public library in the previous
2 fiscal year by the quotient obtained under par. (b).

3 (3) PAYMENT OF AID. Annually by April 30, the division shall certify to the
4 department of administration the amount to which each public library is entitled
5 under this section. Annually by June 30 the department of administration shall pay
6 the certified amounts to the public libraries from the appropriation under s. 20.255
7 (3) (dm).

8 (4) RULES. The department shall promulgate rules establishing a procedure for
9 determining the number of loans made by a public library for the purposes of this
10 section.

11 **SECTION 4. Effective date.**

12 (1) This act takes effect on July 1, 1999.

13 (END)

DN

~~DN~~

Under s. 990.01(49), "year" means
calendar year, so there is no need to
specify "calendar year" in s. 43.25⁵(2)(a)
or (c).

PL

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0020/3dn
PG:jljgjf

October 26, 1998

Under s. 990.01 (49), "year" means calendar year, so there is no need to specify "calendar year" in s. 43.25 (2) (a) or (c).

Peter R. Grant
Assistant Chief Counsel
267-3362
