

Grant, Peter

From: Cross, Michael DPI
Sent: Thursday, October 23, 2003 3:35 PM
To: Grant, Peter
Subject: LRB-0385/P1 draft changes

Peter,

Attached are responses to the questions in your 10/23/02 drafter's notes (LRB-0385/p1dn) and some additional draft revision requests for LRB-0385/P1.

Please contact me if you have any questions.



LRB-0385P1 draft
changes.doc

Mike

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Peter,

Below are responses to the questions in your 10/23/02 memo on LRB-0385/p1dn. Below those responses are some additional draft revision requests.

- ✓ 1. We would like Item 3 changed to provide that if, because of the withdrawal or realignment of participating municipalities or counties, a public library system has fewer than three counties and a population under 200,000 (currently 100,000), the remaining parts of the system shall realign with an existing system within 2 years after the date on which the population falls below 200,000.
- ✓ 2. Would it work to add the underlined phrase? "...for at least 10 hours of each week that the library is open to the public, less leave time." Our intention is to allow a certified library director to work for less than 10 hours per week in the library during weeks when he/she takes leave time.
- ✓ 3. (Your questions relating to item 10.)
 - (a) We would like this provision to apply only to cities and villages in counties that operate a consolidated county library under s. 43.57 (1). We would like the requirement under your newly created s. 43.52 (1m) (b) 2 requiring cities and villages obtain an opinion from the library system deleted. We would also like new s. 43.64 (2m) (b) deleted.
 - ✓ (b) We do not need to extend this requirement to towns because towns must already receive county board and county library board approval to establish a public library under s. 43.52 (1m). We do not need to extend this requirement to school districts because school districts no longer have the legal authority to establish a public library.
 - ✓ (c) As mentioned above, we would like this provision deleted from the draft.
- ✓ 4. The problem as we see it is that under current law municipalities can (and do) approve joint library agreements that set a particular allotment of joint library board appointments to each municipality. Once this initial joint library agreement is entered into, the terms of these agreements generally provide that changes in the agreement require approval by each of the participants to the joint library. A municipality losing population relative to the other joint library participant(s) will not voluntarily agree to a change that gives them fewer appointments. We would like to require that new joint library agreements include a provision that triggers automatic review and adjustment of the allocations after new census figures are available.
- ✓ 5. Please delete this provision [new s. 43.53 (2) (c)].
- ✓ 6. OK
- ✓ 7. Please make the new requirement that counties reimburse libraries in adjacent counties as required under s. 43.12 (as amended) first apply to county payments made by March 1, 2006, for library services provided in the 2004 calendar year and reported to the county clerk by July 1, 2005.

Additional draft revision requests:

- ✓ I. Please delete Section 1 in the draft (pertaining to a county's ability to implement an intermunicipal lending compensation plan).
- ✓ II. Regarding Sections 2 and 3, we do not want to allow public libraries located in Milwaukee County to have the right to receive reimbursement from counties adjacent to Milwaukee County. Perhaps this could be taken care of by amending current s. 43.12 (7) as follows: "This section does not apply to a county having a population of 500,000 or more or to a public library located in whole or in part in such a county."
- ✓ III. For Section 5, please restore the existing s. 43.15 (4) (a) requirement that the merger of two library systems be approved by each public library system board.
- ✓ IV. For Section 7, please change to "at least 2025 hours each week."
- ✓ V. For Section 8, please change to "Beginning in 2006, annually spends on library materials at least \$2,500."
- ✓ VI. For Section 11, do we need to define "intermunicipal lending"? A possible definition is "the lending of library materials by one public library to residents of another municipality or county that maintains a public library". It is our intention to allow a library system to require compensation to or from a county library as part of this "intermunicipal lending" compensation plan.
- ✓ VII. For Section 14, as mentioned above, this should apply only in counties that operate a consolidated county library under s. 43.57 (1) and we would like new s. 43.52 (1m) (b) 2 deleted.
- ✓ VIII. For Section 18, your change can be deleted because we would like new s. 43.11 (3) (cm) deleted.
- ✓ IX. As mentioned above, we would like the changes in Section 19 deleted.
- ✓ X. The initial applicability provisions look fine (except some can be deleted because the sections they refer to have been deleted).



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0385/P1
PG:kmg:pg

P2

DN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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reger
AN ACT *to renumber* 43.52 (1m); *to renumber and amend* 43.64 (2m); *to amend* 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6., 43.24 (6) and 43.53 (2) (intro.); and *to create* 43.11 (3) (cm), 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17 (12), 43.52 (1m) (b), 43.53 (2) (a) to (c), 43.53 (4) and 43.64 (2m) (b) of the statutes; relating to: the organization and funding of public libraries and public library systems and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. 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:

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~~SECTION 1. 43.11 (3) (cm) of the statutes is created to read:
43.11 (3) (cm) The plan of library service for a county may require a municipality located in whole or in part within the county that operates a public~~

1 library to compensate other municipalities located in whole or in part within that
2 county for intermunicipal lending of library materials. The plan's compensation for
3 a loan may not exceed the actual cost of the loan, as defined by the department by
4 rule.

5 SECTION 2. 43.12 (1) of the statutes is amended to read:

6 43.12 (1) By March 1 of each year, a county that does not maintain a
7 consolidated public library for the county under s. 43.57 and that contains residents
8 who are not residents of a municipality that maintains a public library under s. 43.52
9 or 43.53 shall pay to each public library in the county ^{and to each public library in}
10 an adjacent county, ^{other than a county with a population of at least 500,000,}
11 (an amount that is equal to at least 70% of the amount computed
12 by multiplying the number of loans reported under sub. (2) by the amount that
13 results from dividing the total operational expenditures of the library during the
14 calendar year for which the number of loans are reported, not including capital
15 expenditures or expenditures of federal funds, by the total number of loans of
16 material made by the public library during the calendar year for which the loans are
17 reported.

18 SECTION 3. 43.12 (2) of the statutes is amended to read:

19 43.12 (2) By July 1 of each year, each public library lying in whole or in part
20 in a county shall provide a statement to the county clerk of that county and to the
21 county clerk of each adjacent county, other than a county with a population of at least
22 500,000, that reports the number of loans of material made by that library during
23 the prior calendar year to residents of the county, or adjacent county, who are not
24 residents of a municipality that maintains a public library under s. 43.52 or 43.53
25 and the total number of loans of material made by that library during the previous
calendar year.

fewer than 3 participating counties and

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

2 43.15 (1) (a) Have a population of 100,000 or more. If, because of the
3 withdrawal or realignment of participating municipalities or counties, a public
4 library system has a population under ~~100,000~~ 200,000, the remaining parts of the
5 system shall realign with an existing system within 2 years after the date on which
6 the population falls below ~~100,000~~ 200,000.

7 SECTION 5. 43.15 (4) (a) of the statutes is amended to read:

8 43.15 (4) (a) A public library system may be organized as a single-county
9 federated public library system, a multicounty federated public library system, or a
10 single-county consolidated public library system. ^{plain} Two public library systems may
11 merge with the approval of each public library system board, ^{and} the county boards of the
12 participating counties and ~~51%~~ of the participating public libraries in the system.

13 SECTION 6. 43.15 (4) (c) 6. of the statutes is amended to read:

14 43.15 (4) (c) 6. Employs a head librarian ~~holding current public library~~
15 ~~certification from who is certified as a public librarian by the department of public~~
16 ~~instruction and whose employment requires that he or she be present in the library~~
17 for at least 10 hours of each week that the library is open to the public. ^{less leave}
_{time}

18 SECTION 7. 43.15 (4) (c) 7. of the statutes is created to read:

19 43.15 (4) (c) 7. Beginning in 2006, annually is open to the public an average of
20 at least ~~20~~ ²⁰ hours each week. *at least \$26.00*

21 SECTION 8. 43.15 (4) (c) 8. of the statutes is created to read:

22 43.15 (4) (c) 8. Beginning in 2006, annually spends ~~on library materials~~ ^{at least}
23 ~~one-third of the amount recommended in Wisconsin Public Library Standards, 3rd~~
24 ~~edition, published by the department.~~

25 SECTION 9. 43.15 (4) (c) 9. of the statutes is created to read:

1 43.15 (4) (c) 9. If the public library system board has adopted a plan under s.
2 43.17 (12), participates in that plan.

3 SECTION 10. 43.15 (5) of the statutes is created to read:

4 43.15 (5) LIMIT. A public library system may not be established if its
5 establishment would cause the number of public library systems to exceed the
6 number in existence on the effective date of this subsection [revisor inserts date].

7 SECTION 11. 43.17 (12) of the statutes is created to read:

8 43.17 (12) COMPENSATION PLAN FOR INTERMUNICIPAL LENDING. A public library
9 system board may adopt a plan requiring ^a participating public ^{library} libraries to
10 compensate ^{another} other participating public libraries for intermunicipal lending of library
11 materials. The plan's compensation for each loan may not exceed the actual cost of
12 the loan, as defined by the department by rule. If a public library system board
13 adopts a plan under this subsection, it shall incorporate the plan into the written
14 agreement under s. 43.24 (2) (a).

15 SECTION 12. 43.24 (6) of the statutes is amended to read:

16 43.24 (6) In submitting information under s. 16.42 for purposes of the biennial
17 budget bill, the department shall include an amount for ~~the appropriation under s.~~
18 ~~20.255 (3) (e) public library services~~ for each fiscal year of the fiscal biennium equal
19 to 13% of the total operating expenditures for public library services, in territories
20 anticipated to be within all systems in the state, from local and county sources in the
21 calendar year immediately preceding the calendar year for which aid under this
22 section is to be paid. The amount shall include a recommendation for the
23 appropriation under s. 20.255 (3) (e) and recommendations for the funding of other
24 public library services, as determined by the department in conjunction with public
25 libraries and public library systems.

library whenever the latter public library provides library services to residents of the municipality ^{or} county that maintains the former public library

for the county under s. 43.57 ✓

1 SECTION 13. 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

2 SECTION 14. 43.52 (1m) (b) of the statutes is created to read:

3 43.52 (1m) (b) Any city or village that is entirely located in a county that
4 operates and maintains a ^{consolidated public} ~~county~~ library, and that desires to establish a new public
5 library or participate in a joint library under s. 43.53, shall ¹ in addition to the
6 requirement under sub. (1) ~~do all of the following:~~

7 ~~1. Obtain the approval of the county library board, if one exists, and the county~~
8 board of supervisors before final action is taken. The county library board and the
9 county board of supervisors shall render decisions within 90 days of the request being
10 received. The common council or village board may appeal to the state
11 superintendent a decision of the county library board or the county board of
12 supervisors that disapproves the participation by the city or village in a joint library
13 with a municipality located in another county. The state superintendent shall hold
14 a public hearing on the appeal within 60 days after receiving notice of the appeal.
15 The state superintendent shall publish a class 1 notice under ch. 985 of the hearing
16 and shall also provide notice of the hearing to the common council or village board,
17 the county board of supervisors, and the county library board. The state
18 superintendent shall decide the appeal within 30 days after the adjournment of the
19 public hearing.

20 2. Obtain a written opinion by the system board of the public library system
21 that the public library would be affiliated with regarding the feasibility and
22 desirability of establishing the public library before final action is taken. The public
23 library system board shall render its opinion within 30 days after receiving the
24 request.

524 ✓ →

1 SECTION 15. 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and
2 amended to read:

3 43.53 (2) (intro.) Joint library agreements under sub. (1) shall contain
4 provisions necessary to establish a library board under s. 43.54, perform the duties
5 under s. 43.58, and own and operate the physical facilities. A joint library agreement
6 shall also do all of the following:

7 SECTION 16. 43.53 (2) (a) ^{and (b)} ~~parts~~ of the statutes are created to read:

8 43.53 (2) (a) Name one of the participants as the library's fiscal agent, who is
9 responsible for the payroll, benefit administration, insurance, and financial record
10 keeping and auditing for the library. The participant's costs of providing the services
11 under this paragraph count toward the financial support required of the participant
12 under s. 43.15 (2) (b) or (4) (b) 2. or (c) (5).

13 (b) Include a procedure for the distribution of a joint library's assets and
14 liabilities if the joint library is dissolved.

15 (c) Include a procedure for changing the uniform levy rate under sub. (4) and
16 specify how often the rate may be changed. No agreement may prohibit changes to
17 the rate for a period longer than 3 consecutive years.

18 SECTION 17. 43.53 (4) of the statutes is created to read:

19 43.53 (4) Each municipality and county participating in a joint library shall
20 levy a tax for public library service at the same rate.

21 SECTION 18. 43.64 (2m) of the statutes is renumbered 43.64 (2m) (a) and
22 amended to read: -

23 43.64 (2m) (a) No city, village, town, or school district is exempt from the tax
24 levy under sub. (2) for any year if, by September 1 of the year preceding the year for
25 which the tax is levied, the county board determines that the public library of the city,

1 ~~village, town, or school district that is a member of the public library system has not~~
2 ~~complied with standards approved under s. 43.11 (3) (d) or the requirements of the~~
3 ~~plan under s. 43.11 (3) (cm).~~

4 ~~SECTION 19. 43.64 (2m) (b) of the statutes is created to read:~~
5 ~~43.64 (2m) (b) A county board of supervisors may elect not to exempt a city or~~
6 ~~village from the tax levy under sub. (2).~~

7 **SECTION 20. Initial applicability.**

8 (1) (a) The treatment of section 43.15 (1) (a) of the statutes first applies to any
9 withdrawal or realignment that occurs on the effective date of this paragraph.

10 (b) The treatment of section 43.15 (4) (a) of the statutes first applies to mergers
11 occurring on the effective date of this paragraph.

12 (c) The treatment of section 43.15 (4) (c) 6. of the statutes first applies to
13 employment contracts entered into on the effective date of this paragraph.

14 (d) The renumbering of section 43.52 (1m) of the statutes and the creation of
15 section 43.52 (1m) (b) of the statutes first apply to final action on the establishment
16 of a new public library or on the participation in a joint library that is taken on the
17 effective date of this paragraph.

18 (e) The renumbering and amendment of section ~~43.52~~ (2) of the statutes and
19 the creation of section ~~43.52~~ (2) (a) ^{and (b)} of the statutes first apply to joint library
20 agreements entered into on the effective date of this paragraph.

21 (f) The treatment of sections ~~43.53~~ (4) and ~~43.64~~ (2m) (b) of the statutes first
22 applies to property taxes levied on the effective date of this paragraph.

23 **SECTION 21. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

INS.
2-22

1 (1) The treatment of section 43.12 (1) and (2) of the statutes takes effect on July
2 1, 2004.

3 (END)

5-24

Section #. 43.53 (2) of the statutes is amended to read:

43.53 (2) Joint library agreements under sub. (1) shall contain provisions necessary to establish a library board under s. 43.54, perform the duties under s. 43.58 and own and operate the physical facilities.

History: 1971 c. 152 s. 19; Stats. 1971 s. 43.56; 1985 a. 177 ss. 33, 34; Stats. 1985 s. 43.53; 1989 a. 286; 1995 a. 270.

including a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities, as shown by the most recent federal census, under s. 43.54 (1m) (a) 1. ;

census

7-22 ✓

Joint App ✓

(g) The treatment of section 43.12 (1) and
(2) of the statutes first applies to payments
made by March 1, 2006, for library services
provided in 2004 and reported to county
clerks by July 1, 2005.

(h) The treatment of section 43.53 (2)
of the statutes first applies to joint library
agreements entered into, modified, or
renewed on the effective date of this
paragraph.

DN

okmg:

1. Instead of amending s. 43.12(7), I added language to s. 43.12(1), ~~that~~ providing ~~that~~ that counties adjacent to Milwaukee County are not required to reimburse ~~so~~ public libraries located in Milwaukee County. Does this achieve your intent?

2. Regarding the treatment of s. 43.15(1)(a) ^{it} is it ok for a system to consist of fewer than 3 counties as long as its population is at least 200,000?

4. Note the initial applicability provision for s. 43.53(2). ok?

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→ 3. Instead of providing a definition of "intermunicipal lending" for the purpose of s. 43.17(12), I modified the language of the subsection to clarify when compensation may be required. ok?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0385/P2dn
PG:kmg:rs

November 4, 2003

1. Instead of amending s. 43.12 (7), I added language to s. 43.12 (1), providing that counties adjacent to Milwaukee County are not required to reimburse public libraries located in Milwaukee County. Does this achieve your intent?
yes
2. Regarding the treatment of s. 43.15 (1) (a): is it OK for a system to consist of fewer than 3 counties as long as it's population is at least 200,000?
yes
3. Instead of providing a definition of "intermunicipal lending" for the purpose of s. 43.17 (12), I modified the language of the subsection to clarify when compensation may be required. OK?
yes
4. Note the initial applicability provision for s. 43.53 (2). OK?
yes

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8002

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen. Cont.

1 AN ACT *to renumber* 43.52 (1m); *to renumber and amend* 43.53 (2); *to amend*
 2 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6., 43.24 (6) and 43.53
 3 (2); and *to create* 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17
 4 (12), 43.52 (1m) (b), 43.53 (2) (a) and (b) and 43.53 (4) of the statutes; **relating**
 5 **to:** the organization and funding of public libraries and public library systems
 6 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

(att'd)

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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:

7 SECTION 1. 43.12 (1) of the statutes is amended to read:
 8 43.12 (1) By March 1 of each year, a county that does not maintain a
 9 consolidated public library for the county under s. 43.57 and that contains residents

1 who are not residents of a municipality that maintains a public library under s. 43.52
2 or 43.53 shall pay to each public library in the county and to each public library in
3 an adjacent county, other than a county with a population of at least 500,000, an
4 amount that is equal to at least 70% of the amount computed by multiplying the
5 number of loans reported under sub. (2) by the amount that results from dividing the
6 total operational expenditures of the library during the calendar year for which the
7 number of loans are reported, not including capital expenditures or expenditures of
8 federal funds, by the total number of loans of material made by the public library
9 during the calendar year for which the loans are reported.

10 **SECTION 2.** 43.12 (2) of the statutes is amended to read:

11 43.12 (2) By July 1 of each year, each public library lying in whole or in part
12 in a county shall provide a statement to the county clerk of that county and to the
13 county clerk of each adjacent county, other than a county with a population of at least
14 500,000, that reports the number of loans of material made by that library during
15 the prior calendar year to residents of the county, or adjacent county, who are not
16 residents of a municipality that maintains a public library under s. 43.52 or 43.53
17 and the total number of loans of material made by that library during the previous
18 calendar year.

19 **SECTION 3.** 43.15 (1) (a) of the statutes is amended to read:

20 43.15 (1) (a) Have a population of 100,000 or more. If, because of the
21 withdrawal or realignment of participating municipalities or counties, a public
22 library system has fewer than 3 participating counties and a population under
23 100,000 200,000, the remaining parts of the system shall realign with an existing
24 system within 2 years after the date on which the population falls below 100,000
25 200,000.

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

2 43.15 (4) (a) A public library system may be organized as a single-county
3 federated public library system, a multicounty federated public library system, or a
4 single-county consolidated public library system. Two public library systems may
5 merge with the approval of each public library system board, and the county boards
6 of the participating counties ~~and 51% of the participating public libraries in the~~
7 ~~system.~~

8 **SECTION 5.** 43.15 (4) (c) 6. of the statutes is amended to read:

9 43.15 (4) (c) 6. Employs a head librarian ~~holding current public library~~
10 ~~certification from~~ who is certified as a public librarian by the department of public
11 instruction and whose employment requires that he or she be present in the library
12 for at least 10 hours of each week that the library is open to the public, less leave time.

13 **SECTION 6.** 43.15 (4) (c) 7. of the statutes is created to read:

14 43.15 (4) (c) 7. Beginning in 2006, annually is open to the public an average of
15 at least 20 hours each week.

16 **SECTION 7.** 43.15 (4) (c) 8. of the statutes is created to read:

17 43.15 (4) (c) 8. Beginning in 2006, annually spends at least \$2,⁵000 on library
18 materials.

19 **SECTION 8.** 43.15 (4) (c) 9. of the statutes is created to read:

20 43.15 (4) (c) 9. If the public library system board has adopted a plan under s.
21 43.17 (12), participates in that plan.

22 **SECTION 9.** 43.15 (5) of the statutes is created to read:

23 43.15 (5) **LIMIT.** A public library system may not be established if its
24 establishment would cause the number of public library systems to exceed the
25 number in existence on the effective date of this subsection [revisor inserts date].

1 **SECTION 10.** 43.17 (12) of the statutes is created to read:

2 **43.17 (12) COMPENSATION PLAN FOR INTERMUNICIPAL LENDING.** A public library
3 system board may adopt a plan requiring a participating public library to
4 compensate another participating public library whenever the latter public library
5 provides library services to residents of the municipality or county that maintains
6 the former public library. The plan's compensation for each loan may not exceed the
7 actual cost of the loan, as defined by the department by rule. If a public library
8 system board adopts a plan under this subsection, it shall incorporate the plan into
9 the written agreement under s. 43.24 (2) (a).

10 **SECTION 11.** 43.24 (6) of the statutes is amended to read:

11 **43.24 (6)** In submitting information under s. 16.42 for purposes of the biennial
12 budget bill, the department shall include an amount for ~~the appropriation under s.~~
13 ~~20.255 (3) (e) public library services~~ for each fiscal year of the fiscal biennium equal
14 to 13% of the total operating expenditures for public library services, in territories
15 anticipated to be within all systems in the state, from local and county sources in the
16 calendar year immediately preceding the calendar year for which aid under this
17 section is to be paid. The amount shall include a recommendation for the
18 appropriation under s. 20.255 (3) (e) and recommendations for the funding of other
19 public library services, as determined by the department in conjunction with public
20 libraries and public library systems.

21 **SECTION 12.** 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

22 **SECTION 13.** 43.52 (1m) (b) of the statutes is created to read:

23 **43.52 (1m) (b)** Any city or village that is entirely located in a county that
24 operates and maintains a consolidated public library for the county under s. 43.57,
25 and that desires to establish a new public library or participate in a joint library

1 under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the
 2 approval of the county library board, if one exists, and the county board of
 3 supervisors before final action is taken. The county library board and the county
 4 board of supervisors shall render decisions within 90 days of the request being
 5 received. The common council or village board may appeal to the state
 6 superintendent a decision of the county library board or the county board of
 7 supervisors that disapproves the participation by the city or village in a joint library
 8 with a municipality located in another county. The state superintendent shall hold
 9 a public hearing on the appeal within 60 days after receiving notice of the appeal.
 10 The state superintendent shall publish a class 1 notice under ch. 985 of the hearing
 11 and shall also provide notice of the hearing to the common council or village board,
 12 the county board of supervisors, and the county library board. The state
 13 superintendent shall decide the appeal within 30 days after the adjournment of the
 14 public hearing.

15 **SECTION 14.** 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and
 16 amended to read:

17 ~~43.53 (2) (intro.) Joint library agreements under sub. (1) shall contain~~
 18 ~~provisions necessary to establish a library board under s. 43.54, perform the duties~~
 19 ~~under s. 43.58, and own and operate the physical facilities. A joint library agreement~~
 20 ~~shall also do all of the following:~~

21 **SECTION 15.** 43.53 (2) of the statutes is amended to read:

22 43.53 (2) ^(intro.) Joint library agreements under sub. (1) shall contain provisions
 23 necessary to establish a library board under s. 43.54, including a procedure for
 24 adjusting the membership of the board to ensure that it remains representative of
 25 the populations of the participating municipalities, as shown by the most recent

1 federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s. 43.58; and own
2 and operate the physical facilities.

A joint library agreement shall also do all of the following:

3 **SECTION 16.** 43.53 (2) (a) and (b) of the statutes are created to read:

4 43.53 (2) (a) Name one of the participants as the library's fiscal agent, who is
5 responsible for the payroll, benefit administration, insurance, and financial record
6 keeping and auditing for the library. The participant's costs of providing the services
7 under this paragraph count toward the financial support required of the participant
8 under s. 43.15 (2) (b) or (4) (b) 2. or (c) (5).

9 (b) Include a procedure for the distribution of a joint library's assets and
10 liabilities if the joint library is dissolved.

11 **SECTION 17.** 43.53 (4) of the statutes is created to read:

12 43.53 (4) Each municipality and county participating in a joint library shall
13 levy a tax for public library service at the same rate.

If a joint library agreement is entered into on or after the effective date of this subchapter [rev date]

14 **SECTION 18. Initial applicability.**

15 (1) (a) The treatment of section 43.15 (1) (a) of the statutes first applies to any
16 withdrawal or realignment that occurs on the effective date of this paragraph.

17 (b) The treatment of section 43.15 (4) (a) of the statutes first applies to mergers
18 occurring on the effective date of this paragraph.

19 (c) The treatment of section 43.15 (4) (c) 6. of the statutes first applies to
20 employment contracts entered into on the effective date of this paragraph.

21 (d) The renumbering of section 43.52 (1m) of the statutes and the creation of
22 section 43.52 (1m) (b) of the statutes first apply to final action on the establishment
23 of a new public library or on the participation in a joint library that is taken on the
24 effective date of this paragraph.

1 (e) The renumbering and amendment of section 43.53 (2) of the statutes and
2 the creation of section 43.53 (2) (a) ^{gnb} (b) of the statutes first apply to joint library
3 agreements entered into on the effective date of this paragraph.

4 (f) ~~The treatment of section 43.53 (4) of the statutes first applies to property~~
5 ~~taxes levied on the effective date of this paragraph.~~ *still there 5/14/05*

6 (f) ~~(*)~~ The treatment of section 43.12 (1) and (2) of the statutes first applies to
7 payments made by March 1, 2006, for library services provided in 2004 and reported
8 to county clerks by July 1, 2005.

9 (g) ~~(*)~~ The treatment of section 43.53 (2) of the statutes first applies to joint library
10 agreements entered into, modified, or renewed on the effective date of this
11 paragraph.

12 **SECTION 19. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of section 43.12 (1) and (2) of the statutes takes effect on July
15 1, 2004.

16 (END)

Analysis

This bill makes various changes to the statutes governing the organization and funding of public libraries, including the following:

1. Currently, ^{if} the territory within a public library system ~~must have a population of at least 100,000~~ ^{has a population of} ~~if a system's population is~~ less than 100,000, ~~it~~ ^{it} must realign with an existing system within ^{two} 1 years. This bill provides that if a system has fewer than three participating counties and a population of less than 200,000, ~~it~~ ^{it} must realign with an existing system within two years.

2. Current law requires a public library system to employ a head librarian who is certified by the Department of Public Instruction (DPI).

Under this bill, the ^{have} librarian's ~~employment~~ must ~~require that he or she~~ be present in the library for at least ten hours each week that the library is open, less leave time.

3. Beginning in 2006, the bill requires a public library system to spend at least \$2,500 ^{annually} for library materials and be open to the public an average of 20 hours each week.

4. The bill allows a public library system to adopt a plan requiring a participating public library to compensate another participating public library whenever the latter public library provides library services to residents of the municipality or county that maintains the former public library. ~~Compensation may not~~

~~exceed cost~~

5. The bill allows two public library systems to merge with the approval of each system board and the county boards of the participating counties. Under current law, ^{percent} requires the approval of ~~51%~~ ^{51 percent} of the participating public libraries in the system ^{is also required.}

6. The bill prohibits a public library system from being established if its establishment would cause the number of systems to exceed the number in existence on the bill's effective date.

7. Under this bill, if a city or village that is entirely located in a county that maintains a consolidated public library for the county ~~or~~ wishes to establish a new

in addition to the existing requirements,
public library or participate in a joint library, it must obtain the approval of the county board and the county board of supervisors. If either disapproves, the city or village may appeal the decision to DPI.

8. Under this bill, joint library agreements must do all of the following:
- ~~be~~ Include a procedure for adjusting the membership of the board to ensure that it remains representative of the population of the participating municipalities.
 - ~~be~~ Name one of the participants as the library's fiscal agent.
 - ~~be~~ Include a procedure for the ~~the~~ ^{and liabilities} distribution of the library's assets if the library is dissolved.

9. The bill provides that if a joint library is created on or after the bill's effective date, each municipality and county participating in the joint library must levy a tax for public library service at the same rate.

(population of at least 500,000)

10. Under current law, ~~by annually by~~ ~~other than a county with a~~
~~Annexed~~ a county that does not maintain
a consolidated ^{public} library for the county ~~and~~

and that contains residents who are not residents
of a municipality that maintains a public

library must ~~separately~~ pay to each public

library in the county an amount equal to

at least 70% ^{percent} of the cost of library use by

these county residents. This bill extends this

~~requirement to the use of libraries also requires~~
that these ^{each}

payments also be made to ^{each} public library in
other than a county with

an adjacent county, ~~the bill exempts counties with~~

a population of at least 500,000. ~~from this~~

~~requirement.~~

Barman, Mike

From: Vander Sanden, Patrick
Sent: Wednesday, February 18, 2004 12:55 PM
To: Barman, Mike
Subject: RE: LRB 03-4249/1 (attached - per your request)

Thank you Mike - any chance I can get LRB 0385/1 - also regarding public libraries?

-----Original Message-----

From: Barman, Mike
Sent: Wednesday, February 18, 2004 11:07 AM
To: Vander Sanden, Patrick
Subject: LRB 03-4249/1 (attached - per your request)

<< File: 03-4249/1 >>

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

Barman, Mike

From: Barman, Mike
Sent: Wednesday, February 18, 2004 1:35 PM
To: Vander Sanden, Patrick
Subject: LRB 03-0385/1 (attached - per your request)



03-0385/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
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State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

Corrected copy

2003 SENATE BILL 498

02-27-04
Per PG

February 26, 2004 - Introduced by Senator LEIBHAM, cosponsored by Representatives FREESE, GRONEMUS, GUNDERSON, HINES, KREIBICH, J. LEHMAN, OTT and BIES, by request of the Department of Public Instruction. Referred to Committee on Education, Ethics and Elections.

as a result of the withdrawal or realignment of participating municipalities or counties

1 **AN ACT to renumber 43.52 (1m); to renumber and amend 43.53 (2); to amend**
 2 **43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6. and 43.24 (6); and**
 3 **to create 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17 (12),**
 4 **43.52 (1m) (b), 43.53 (2) (a) and (b) and 43.53 (4) of the statutes; relating to:**
 5 **the organization and funding of public libraries and public library systems and**
 6 **granting rule-making authority.**

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes governing the organization and funding of public libraries, including the following:

1. Currently, if the territory within a public library system has a population of less than 100,000, ~~it~~ must realign with an existing system within two years. This bill provides that if a system has fewer than three participating counties and a population of less than 200,000, ~~it~~ must realign with an existing system within two years.

2. Current law requires a public library system to employ a head librarian who is certified by the Department of Public Instruction (DPI). Under this bill, the head librarian must be present in the library for at least ten hours each week that the library is open, less leave time.

3. Beginning in 2006, the bill requires a public library system to spend at least \$2,500 annually on library materials and be open to the public an average of 20 hours each week.

the system