

1979 Assembly Bill 20

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CHAPTER 347, Laws of 1979

AN ACT to repeal 15.377 (2) and (3), 43.01 and 43.09 (3); to amend 43.001 (4) and 43.24 (3); to repeal and recreate 43.03, 43.05, 43.07 and 43.24 (1); and to create 15.377 (6), 43.001 (5) and 43.27 of the statutes, relating to abolishing the council on library development and the council on public library certificates and standards, creating a council on library and network development, assigning duties relating to library services in this state, state aids to public library systems and making an appropriation.

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

SECTION 3. 15.377 (2) and (3) of the statutes are repealed.

SECTION 4. 15.377 (6) of the statutes is created to read:

15.377 (6) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in the department of public instruction a council on library and network development composed of 15 members. Eight of the members shall be library science, audiovisual and informational science professionals or members of governing bodies of libraries or resource centers and shall be representative of various types of libraries, information services and resource providers. Seven of the members shall be persons who are neither library science, audiovisual and informational science professionals, nor members of governing bodies of libraries and resource centers. For the purposes of membership on the council, school boards and county, city, village and town governing bodies shall not be considered to be governing bodies of libraries or resource centers. The members of the council shall be appointed for staggered 3-year terms. The council shall meet 6 times annually and shall also meet on the call of the state superintendent, and may meet at other times on the call of the chairman or a majority of its members.

SECTION 6. 43.001 (4) of the statutes is amended to read:

43.001 (4) "Municipality" means a city of the 2nd, 3rd or 4th class, village, town, county, tribal government or tribal association or a school district authorized to maintain a public library facility under s. 43.52. Notwithstanding its omission under this paragraph, a city of the 1st class may participate in a public library system under s. 43.19 (3).

SECTION 8. 43.001 (5) of the statutes is created to read:

43.001 (5) "Network" means a formal or informal arrangement between libraries or other informational service organizations whereby materials, information and services are exchanged and made available to potential users.

SECTION 9. 43.01 of the statutes is repealed.

SECTION 10. 43.03 of the statutes is repealed and recreated to read:

43.03 General duties of state superintendent. The state superintendent shall:

(1) Promote, assist and plan the organization, development and improvement of school library media services to provide the resources needed for teaching and learning in the schools.

(2) Promote, assist, plan and coordinate the organization, development and improvement of public library services and public library systems to serve the needs of all citizens in the state.

(3) (a) Plan and coordinate school library media services with other library services and promote interlibrary cooperation and resource sharing between school library media programs and other libraries.

(b) Plan, coordinate, evaluate and set statewide priorities for the development of networks and intertype library cooperation among libraries in the state and by the libraries in the state with libraries and resource providers in other states, and promote interlibrary cooperation and resource sharing between local governments, public libraries and other libraries.

(c) Coordinate and promote the development of regional organizations for interlibrary cooperation and resource sharing among all types of libraries.

(d) Submit to the council on library and network development an annual report which describes the programs and policies carried out under pars. (a) to (c) in the preceding year and the programs and policies to be carried out under pars. (a) to (c) in the succeeding year.

(4) Plan and coordinate the provision of library services to groups with special needs, including institutional residents, the physically and mentally handicapped, the socially and economically disadvantaged and racial and ethnic minorities.

(5) Accept, on behalf of the state, grants from the federal government or any federal agency or gifts or grants from any other source to be used for the purposes designated under this chapter.

(6) Enter into an annual contract with the public library in a 1st class city for the provision of library services to physically handicapped persons, including the blind and visually handicapped, certified by competent authority as unable to read or use conventional printed materials as a result of physical limitations. For the purpose of this subsection, "competent authority" means any member of the medical or allied professions, and professional persons in the fields of public health, education, library service, rehabilitation, social work and public welfare.

(7) Contract for service with libraries and other resource providers in and outside of this state to serve as resources of specialized library materials and information not available in public libraries or the reference and loan library.

(8) Establish procedures necessary for the internal administrative operation of the division.

SECTION 12. 43.05 of the statutes is repealed and recreated to read:

43.05 General duties of the division. The division shall:

(1) Coordinate and conduct continuing education programs for librarians of school library media programs, public libraries, public library systems and institutional library programs.

(2) Assist, as deemed appropriate by the division, in the recruitment of personnel for school library media programs, public libraries and public library systems.

(3) Provide professional and technical advisory, consulting and informational services to assist:

(a) School districts establishing, maintaining or expanding school library media programs and facilities;

(b) Public libraries and communities establishing, maintaining or expanding public libraries, public library systems and regional resource centers and their governing bodies;

(c) State agencies and officers; and

(d) Institutional library programs.

(4) Collect library statistics and conduct studies and surveys of library needs throughout the state and report and publish the findings. The research shall be coordinated with statewide library planning.

(5) Ascertain which libraries in this state can suitably care for and advantageously use copies of the public documents printed at the expense of the state, including printing under ss. 35.28 and 35.29. The division shall designate the selected libraries as depositories of state documents and shall furnish lists of the depositories to the department of administration, to govern the distribution under s. 35.85 (2) (b). All libraries designated as depositories for federal documents shall automatically be designated as depositories for state documents. The lists shall show, for each depository library, the number of copies of each printed state document it is to receive.

(6) Recommend and distribute standards for school library programs and facilities to school library media programs, standards for public libraries to public library governing bodies and standards for institutional library programs to governing bodies and administrators of institutional library programs and to heads of departments, as defined under s. 15.01 (3), which administer institutional libraries.

(7) Establish standards for public library systems under s. 43.09 (2).

(8) Establish standards for and issue certificates to public librarians under s. 43.09 (1).

(9) Approve the establishment of public library systems under s. 43.13.

(10) Administer aids to public library systems under s. 43.24.

(11) Maintain a library to supplement the collections of public libraries, public library systems, regional resource centers and other types of libraries with specialized materials and information sources that are not appropriately held by such libraries, systems or centers and are not readily available from other resource providers, and to provide library lending services to state government.

(12) Assist the council on library and network development in the preparation of the descriptive and statistical report to be prepared by the council under s. 43.07 (5).

(13) Carry out such other programs and policies as directed by the state superintendent.

SECTION 13. 43.07 of the statutes is repealed and recreated to read:

43.07 Council on library and network development. The state superintendent and the division shall seek the advice of and consult with the council on library and network development in performing their duties in regard to library service. The state superintendent or the administrator of the division shall attend every meeting of the council. The council may initiate consultations with the department and the division. The council shall:

(1) Make recommendations to the division in regard to the development of standards for the certification of public librarians and standards for public library systems under s. 43.09.

(2) Advise the state superintendent in regard to the general policies and activities of the state's program for library development, interlibrary cooperation and network development.

(3) Advise the state superintendent in regard to the general policies and activities of the state's program for the development of school library media programs and facilities and the coordination of these programs with other library services.

(4) Hold an annual meeting for the purpose of discussing the report submitted by the state superintendent under s. 43.03 (3) (d). Notice of the annual meeting shall be sent to appropriate libraries and audiovisual and informational services and library and audiovisual and informational service organizations. After the meeting, the council shall make recommendations to the state superintendent regarding the report.

(5) On or before July 1, 1980, and every 2nd year thereafter, transmit to the state superintendent a descriptive and statistical report on the condition and progress of library services in the state and recommendations on how library services in the state may be improved. On or before September 1, 1980, and every 2nd year thereafter, the state superintendent shall transmit the report and recommendations to the governor and the legislature.

(6) Review that portion of the budget of the department of public instruction relating to library service. Recommendations of the council in regard to the budget shall be transmitted to the department at least 21 days before the department transmits its budget request to the governor, and shall accompany the department's budget request to the governor.

(7) Receive complaints, suggestions and inquiries regarding the programs and policies of the department of public instruction relating to library and network development, inquire into such complaints, suggestions and inquiries, and advise the state superintendent and the division on any action to be taken.

SECTION 15. 43.09 (3) of the statutes is repealed.

SECTION 17. 43.24 (1) of the statutes is repealed and recreated to read:

43.24 (1) Each public library system shall be paid state aid for the operation and maintenance of the system. The amount paid to each system shall be determined as follows:

(a) The total of the following shall be calculated for each system:

1. For each person residing in territory within the system, 50 cents.
2. For each square mile of territory within a system, \$6 in a single-county system, \$9 in a 2-county system, \$12 in a 3-county system, \$15 in a 4-county system and \$18 in a system containing 5 or more counties.
3. An amount equal to 7% of the total operating expenditures for public library services in territory within the system from local and county sources in the calendar year immediately preceding the year for which aids are to be paid.

(b) The total amount for each system, determined under par. (a), shall be divided by the total amount, determined under par. (a), for all systems in the state.

(c) The ratio determined under par. (b) shall be multiplied by an amount equal to 11.25% of the total operating expenditures for public library services, in territories within all systems in the state, from local and county sources in the calendar year immediately preceding the calendar year for which aids are to be paid. The amount determined under this paragraph shall be the amount of aid paid to each system.

SECTION 18. 43.24 (3) of the statutes is amended to read:

43.24 (3) Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall cer-

tify to the department of administration, ~~the an estimated amount to which each system is entitled under this section, prorating the amounts to be paid to each system if the appropriation under s. 20.255 (3) (d) is insufficient to pay the full amount to which each is entitled.~~ Annually on or before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the appropriation under s. 20.255 (3) (d). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the appropriation under s. 20.255 (3) (d). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2).

SECTION 19. 43.27 of the statutes is created to read:

43.27 Distribution of materials from reference and loan collection to public library systems. The division for library services may disperse to public library systems, without charge, materials from the collection of the reference and loan library that the division determines are not appropriately held in the collection of the reference and loan library.

SECTION 19m. **Council studies.** (1) **STUDY OF AIDS TO MEDICAL LIBRARIES AND SYSTEM RESOURCE LIBRARIES.** The council on library and network development shall study the desirability of providing state aids to medical libraries in hospitals and health care institutions and to public library system resource libraries and make recommendations to the state superintendent of public instruction. The council shall make its recommendations and the state superintendent shall transmit the recommendations to the governor and the legislature by December 31, 1982.

(2) **STUDY OF FUNDING FOR STATE LEVEL LIBRARY RESOURCE PROVIDERS.** The council on library and network development shall study funding for state level library information resource providers and make recommendations to the state superintendent of public instruction. The council shall make its recommendations and the state superintendent shall transmit the recommendations to the governor and the legislature by December 31, 1982.

(3) **STUDY OF REGIONAL ORGANIZATIONS FOR INTERLIBRARY COOPERATION AND RESOURCE SHARING.** The council on library and network development shall study the development and structure of, standards for, and the desirability of providing, state aids to regional organizations for interlibrary cooperation and resource sharing, and make recommendations to the state superintendent of public instruction. The council shall make its recommendations and the state superintendent shall transmit the recommendations to the governor and the legislature by December 31, 1982.

SECTION 20. **Plan for library services to state institutions.** (1) The department of health and social services shall develop a plan for the provision of library services to persons served by, and the staff of, institutions operated by the department, and transmit the plan, and make recommendations regarding any statutory or budgetary changes which may be necessary to implement the plan, to the legislature, the governor, state superintendent of public instruction, and the council on library and network development on or before December 31, 1982.

(2) The plan should provide for the coordination of library services in all of the institutions operated by the department and specify the methods by which library services are to be provided, including, but not limited to, the development of library resources within the department; lending agreements with public libraries, public library systems or other resource providers; and through the reference and loan library.

SECTION 21. **Appointment of first members of the council on library and network development.** The governor shall appoint 3 of the first professional members and 2 of the first nonprofessional members of the council on library and network development for

terms to expire on July 1, 1983, 2 of the first professional members and 3 of the first nonprofessional members for terms to expire on July 1, 1982, and 3 of the first professional members and 2 of the first nonprofessional members for terms to expire on July 1, 1981.

SECTION 23. Position decrease. The existing position of the administrator of the division for library services in the department of public instruction is deleted effective June 30, 1980.

SECTION 24. Termination of tenure of current administrator of the division for library services. The incumbency of the current administrator of the division for library services shall terminate on June 30, 1980. The person whose incumbency is so terminated shall be eligible for appointment to the new position of the administrator of the division under SECTION 25 of this act or for appointment to any other position in the classified or unclassified service.

SECTION 25. Position creation. There is created in the department of public instruction one unclassified position of administrator of the division of library services effective July 1, 1980. The person serving as administrator of the division for library services on June 29, 1980, shall serve as the first administrator of the division in the position created by this SECTION.

SECTION 26. Appropriation increases and decreases. The appropriation under section 20.255 (3) (a) of the statutes, as affected by the laws of 1979, is affected as follows:

(2) It is increased in fiscal year 1980-81 by \$-0- for the purpose of paying the expenses of the council on library and network development for the purposes under this act.

(3) It is decreased in fiscal year 1980-81 by \$-0- to reflect the elimination of the council on library development and the council on public library certificates and standards and the expenses associated with those councils.

SECTION 28. Cross reference changes. In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
35.85 (2)(b)and(6)	43.05 (7)	43.05 (5)
35.93 (6)(intro.)and(e)	43.05 (7)	43.05 (5)

SECTION 29. Effective dates. This act shall take effect on July 1, 1980, except that the treatment of section 43.24 (1) and (3) of the statutes shall take effect on January 1, 1980, applicable for state aids to be paid for 1980; and the position decrease section and section concerned with termination of term of the current administrator of the division for library services shall take effect on June 30, 1980.
