



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3417/1
EVM:eev:rs

2013 ASSEMBLY BILL 797

February 20, 2014 - Introduced by Representatives BIES, MURSAU and A. OTT.
Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to amend* 43.12 (1) and 43.12 (3); and *to create* 43.12 (8) and 43.58 (8)
2 of the statutes; **relating to:** county payments to public libraries in adjacent
3 counties and charging certain individuals for the provision of library service.

Analysis by the Legislative Reference Bureau

Under current law, a county that does not maintain a consolidated public library for the county and that contains residents who are not residents of a municipality that maintains a public library (covered county) must pay to each public library in the county, and to each public library in an adjacent county, an amount that is equal to at least 70 percent of the amount computed by multiplying the number of loans of material made by that library to residents of the county who are not residents of a municipality that maintains a public library by the library's average operational cost per loan (library service payment).

Under this bill, a covered county may opt out of making library service payments to counties that maintain a consolidated public library. To opt out, the covered county must adopt a resolution to that effect and provide a copy of the resolution to each adjacent county that maintains a consolidated public library. Also under this bill, if a covered county opts out of making library service payments, a library in a county that has received an opt-out notice may charge an individual from a covered county for library services and may refuse to provide library services to those individuals who have not paid these charges within 90 days.

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For further information see the *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:

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

2 43.12 (1) ~~By Except as provided under sub. (8), by~~ March 1 of each year, a county
3 that does not maintain a consolidated public library for the county under s. 43.57 and
4 that contains residents who are not residents of a municipality that maintains a
5 public library under s. 43.52 or 43.53 shall pay to each public library in the county
6 and to each public library in an adjacent county, other than a county with a
7 population of at least 500,000, an amount that is equal to at least 70% of the amount
8 computed by multiplying the number of loans reported under sub. (2) by the amount
9 that results from dividing the total operational expenditures of the library during the
10 calendar year for which the number of loans are reported, not including capital
11 expenditures or expenditures of federal funds, by the total number of loans of
12 material made by the public library during the calendar year for which the loans are
13 reported. The library board of the public library entitled to a payment under this
14 subsection may direct the county to credit all or a portion of the payment to a county
15 library service or library system for shared services.

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

17 43.12 (3) A county may enter into an agreement with its participating
18 municipalities or with a public library system to pay no less than the amounts
19 determined under sub. (1) or (8) to the public library system for distribution to the
20 public libraries that participate in that system.

21 **SECTION 3.** 43.12 (8) of the statutes is created to read:

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1 43.12 (8) A county that does not maintain a consolidated public library for the
2 county under s. 43.57 and that contains residents who are not residents of a
3 municipality that maintains a public library under s. 43.52 or 43.53 is not required
4 to make payments under sub. (1) to the public libraries in adjacent counties that
5 maintain consolidated public libraries for the county under s. 43.57 if all of the
6 following apply:

7 (a) The county adopts a resolution that the county will not make payments
8 under sub. (1) to public libraries in adjacent counties that maintain consolidated
9 public libraries under s. 43.57.

10 (b) By December 1 of each year, the county provides a copy of the resolution to
11 each library in an adjacent county that maintains a consolidated public library under
12 s. 43.57.

13 **SECTION 4.** 43.58 (8) of the statutes is created to read:

14 43.58 (8) Notwithstanding s. 43.15 (4) (c) 4., a library board may do all of the
15 following:

16 (a) Charge an individual who is a resident of a county that has declined to make
17 payments to the library under s. 43.12 (8) and who has borrowed material during a
18 year in which the county has declined to make payments to the library under s. 43.12
19 (8) a fee not to exceed 70 percent of the amount computed by multiplying the number
20 of loans made to that person by the amount that results from dividing the total
21 operational expenditures of the library during the calendar year for which the
22 number of loans are reported, not including capital expenditures or expenditures of
23 federal funds, by the total number of loans of material made by the public library
24 during the calendar year for which the loans are reported.

