

## Summary of Wisconsin Library Law: Chapter 43

### I. Legal Basis/Rationale and Library Definitions:

#### ***Legislature recognizes***

- 1) the importance of free access to information and diversity of ideas,
- 2) the critical role of all types of libraries,
- 3) the major state educational, cultural, and economic asset represented by libraries,
- 4) the role of public libraries in the democratic process, and
- 5) the necessity for interlibrary cooperation.

It is thus the policy of the state to provide laws for library development and improvement, and interlibrary cooperation.

#### ***Definitions:***

Department = Department of Public Instruction

Division = Division for Libraries, Technology, and Community Learning

Municipality = city, village, town, tribal government or tribal association, or a school district that operates a public library

Network = formal agreement among libraries or other information service organizations whereby resources are made available to potential users

Public Library System = a federated public library system formed under 43.19 or a consolidated public library system formed under 43.21

State Superintendent = State Superintendent of Public Instruction, the executive officer for the Department of Public Instruction

### II. State Superintendent and Department of Public Instruction

Duties of State Superintendent

Promote, assist, plan for, coordinate, and/or evaluate

- 1) school library media services
- 2) public library services and public library systems,
- 3) cooperation and resource sharing among all types of libraries,

4) development of networks, and 5) groups with special needs.

Contract for

- 1) library services to physically handicapped persons, and
- 2) access to specialized library resources in and out of Wisconsin.

Report to the Council on Libraries and Network Development (COLAND) on programs and policies; accept library development grants or gifts on behalf of the state from federal and other sources; develop and maintain WISCAT; disseminate information on continuing education opportunities; and establish procedures for administering the Division for Libraries, Technology, and Community Learning.

### **III. Division for Libraries, Technology, and Community Learning:**

Duties of the Division

coordinate and conduct continuing education for librarians;

assist libraries in the identification and recruitment of qualified librarians;

provide professional and technical consulting to school districts, public libraries, municipalities, counties, state agencies, and institutional library programs;

collect statistics and conduct studies and surveys of library activities and needs, and publish reports;

designate a librarian to coordinate state document depository libraries;

recommend and distribute standards for school libraries, public libraries, institutional library programs, and public library systems;

establish rules for certification of public library directors;

approve establishment and alterations of library systems;

administer system aids;

maintain reference and loan library;

assist COLAND with preparation of reports;

conduct a review of library systems if sufficient dissatisfaction is expressed by members.

### **IV. Council on Library and Network Development (COLAND):**

## Duties of COLAND

Recommend standards for certification of public librarians and for library systems;

advise the state superintendent on policies and activities of the state's library programs;

give notice of and hold a biennial meeting to discuss report submitted by state superintendent;

make recommendations to the state superintendent regarding the report;

by July 1 of odd numbered years provide report to state superintendent on condition and progress of library services and recommend improvements;

review library portion of the department budget;

and receive complaints, suggestions, and inquiries regarding programs and policies relating to library and network development, and investigate these submissions and advise the state superintendent and the division

## **V. Public Library Systems and State System Aids:**

### ***Requirements for Establishment***

- 1) Population of 100,000 or more (after July 1, 1998, will need 200,000);
- 2) Demonstrated support from county/counties to implement plan, and maintenance of that support at average of previous three years.

### ***Rules for Participation and Organization***

Consolidated systems shall consist of only one county;

federated systems may have one or more counties;

only one system may exist within a county, and if a library's municipality/municipalities cross system boundaries the library must chose which system it will be in;

for a library to participate in a system, the county in which it is located must participate in the system;

municipalities with libraries must also maintain effort to remain members of systems;

counties and municipalities with libraries must enter into written agreements with the library system board to participate;

municipalities must also have written agreements with the county to participate in library systems;

library boards must employ a certified library director;

system must select and enter into agreements with a resource library, which should be the library with the largest annual budget in the region, have a collection of 100,000 volumes, be open at least 50 hours per week, with at least one full-time reference librarian with an MLS;

municipalities and/or counties may withdraw from a system after three years affiliations if all notice, hearing, and approval stipulations are satisfied.

### ***Operating Rules***

System boards must elect a president annually in January;

fiscal year for systems shall be the calendar year;

administration of system shall be the responsibility of a certified librarian appointed by the system board;

system must submit an annual report to the Division;

no person employed by a member public library can be on the system board;

all public libraries in a system shall honor valid borrower's cards of public libraries in adjacent library systems;

single county federated system boards shall consist of seven (7) members, each with a three year term, and terms shall be staggered;

multicounty federated system boards shall have at least fifteen (15) and not more than twenty (20) members, unless all counties approve a board of more than twenty for the intention of giving each county two representatives, and each member will have a three year term;

system board members shall be nominated by the county board chair or the county executive, and approved by the county boards of the county the individual will represent on the system board;

a federated public library system board shall have the powers of a public library board as specified under 43.58 with respect to system-wide functions and services;

local library boards shall retain responsibility for their public libraries;

consolidated public (county) library system boards shall have seven (7) or nine (9) members, each with a three year term;

consolidated systems shall be deemed agencies of their counties, and their boards shall have the powers of library boards as specified under 43.58 and 43.60.

### ***State System Aids***

System aids will be provided to each qualifying federated public library system based on a formula which considers square miles of system area, total population of the region, and the local expenditure for library services in the system area.

To qualify for system aids, a system must provide 1) interlibrary loan of resources among members and the referral and routing of interlibrary loan requests, 2) back-up reference and interlibrary loan services from the resource library, 3) in-service training for members, 4) delivery and communication services, to include electronic delivery of information 5) service agreements with members and adjacent systems, 6) consulting services, 7) cooperative collection development planning, 8) promotion and facilitation of library services to users with special needs, 9) cooperation and planning with other types of libraries resulting in agreements for sharing, 10) planning for the development of automation and technical services for the region, 11) submission of an annual plan and an annual report to the Division by specified dates.

## **VI. County Planning and Funding:**

County boards may appoint planning committees to 1) prepare a new plan for the organization of a county or multicounty system; 2) revise an existing plan for system involvement or library services in the county; 3) or change the boundaries of a public library system.

The committee must conduct a public hearing after inviting representatives of all libraries in the county.

Committee's final report must include copies of written agreements necessary to implement proposals; a method for allocating system board membership if plan relates to a multicounty system; provisions for access to library services to county residents from municipalities without public libraries the method and level for reimbursement of libraries which provide services to county residents without libraries.

A county shall pay to each public library in the county an amount equal to at least 70% of the library's unit cost for each circulation made to a county resident who lives in a municipality that does not maintain a public library. The public library will report to the county the annual circulation and unit cost figures by July 1 of the following year; these figures will then be used by the county for budget planning purposes, with payments being made by March 1 of the year following the report from the municipality. The

report of 1999 circulation and unit costs shall be made by the municipality by July 1, 2000; payments for this use shall be made by March 1, 2001. Subsequent years will be handled in the same fashion.

Plans may include minimum standards for public library service in the county. These standards must be approved by public library boards of at least 50% of participating municipalities with at least 80% of the population of participating municipalities.

Municipalities, which appropriate an amount for library service at least equal to the municipal portion of the county tax levy, may exempt themselves from the county tax levy upon written application to the county board.

## **VII. Types of Public Libraries, Powers and Duties:**

### ***Municipal Libraries***

A municipality may establish, equip and maintain, and levy a tax or appropriate money to be used exclusively to maintain the library; a municipality may enact and enforce police regulation to govern use of the public library; to establish a new library a municipality shall obtain a written opinion from the Division.

Every public library shall be free for the use of the inhabitants of the municipality.

Library board size is determined by the classification of the municipality: nine (9) members in city of 2nd and 3rd class or school district, unless reduced to seven (7) by a two-thirds vote of the common council; seven (7) members in each city of the 4th class; five (5) or seven (7) members in each village, town, tribal government or tribal association. Each board must include the school district administrator or his/her designee, and may include one member of the municipal governing body. First class cities have more specific rules for board composition.

Board members may not receive compensation for their participation on the library board except for reimbursement of actual expenses, or a per diem if authorized by the library board and the municipal governing body.

Boards must elect a president.

All library board members' terms will be for three years, and terms will be staggered so they do not all expire in the same year.

### ***Joint Libraries***

Joint libraries may be created by any two (2) or more municipalities or by a county and one or more municipalities located in whole or part in the county by agreement of the governing bodies. Joint libraries must contain at least one municipality with a public library established before May 8, 1990.

Joint libraries have the same authorities and responsibilities as other municipal libraries and must organize and operate under the same sections of Chapter 43.

### ***County Libraries and County Library Services***

A county may establish and maintain a consolidated county library and may take over any libraries already established with consent of the authorities controlling those libraries. The county will then be the primary funding body for the library and a county library board will have the authorities and responsibilities of municipal library boards under Chapter 43.

Consolidated county libraries will have boards of seven (7) or nine (9) members appointed by the county board chair, with the approval of the county board.

A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities with libraries or to improve the library services of municipal libraries.

### ***Powers and Duties***

Library boards shall have exclusive control of the expenditures of all moneys collected, donated, or appropriated for the library fund, and shall retain control of those moneys until expended; boards shall also have the exclusive control of the purchase of a site and the erection of the library building whenever authorized, and will have control and custody of the lands, buildings, money, and other property provided under any circumstances to the library. The library board also has specific authorities to deal with gifts, bequests, and endowments made to the library, and responsibilities for managing and reporting the status of those gifts, bequests, and endowments.

Library funds must be maintained in accounts by the municipality, which will pay all library bills once they are approved by the library board.

The library board shall supervise the administration of the public library and shall appoint a library director and prescribe duties and compensation for all library staff. The library director will appoint other employees for positions approved by the library board.

Within sixty (60) days of the end of the fiscal year of the municipality or county, the library board shall make a report to its governing body and the Division, providing specified information. The report shall contain a statement indicating whether the library system in which the library participates did or did not provide effective leadership and adequately meet the needs of the library, with an explanation of why the library board believes so.

## **VIII. Miscellanea:**

**Public Library Records**--Records of publicly supported libraries or library systems which indicate the identity of individuals who borrow or use library resources may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library institution or to persons authorized by the individual to inspect such records. Libraries may disclose, for the purpose of borrowing materials, such records to other libraries if the libraries to which the records are being disclosed are publicly supported, have a written policy prohibiting disclosure, and agree to follow 43.30 (1) as specified above.

**Common School Fund**--Following specified reporting times and requirements, a school district will be eligible for a proportionate part of income in the common school fund. These funds shall be expended for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts.

**Library Extension and Interchange**--The library board may enter into agreements with other municipalities or counties to extend the use of the library to nonresidents of the municipality or exchange library resources, either temporarily or permanently, with other libraries. Payments provided for this extension of service may affect the appointment procedures for and size of the local library board.

School districts may make agreements to exchange school library resources with other school districts. Public library boards and school boards may make agreements to exchange and loan resources for the purpose of increasing the efficiency of both library services and ensuring the best service for all citizens. Any school district borrowing materials through a public library shall reciprocate by sharing, with other participating libraries, materials not in immediate or constant demand by the school's primary clientele.

**Theft of Library Materials**--Definitions, violation classifications, and penalties for ordinances relating to theft of library materials are specified. If a local ordinance is enacted in conformity with 943.61, it will allow for civil rather than criminal action. If the value of materials does not exceed \$500, the violation will be a Class A misdemeanor; if the value of materials exceeds \$500 but is less than \$2,500, the violation will be a Class E felony; and if the value exceeds \$2,500, the violation will be a Class C felony.