

Chapter 43: Wisconsin Public Library Law

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Session Objectives:

- Brief overview of the duties of the Department & the Division
- Understand how public libraries are established under the law
- Learn about library board appointments & composition
- Recognize library board powers & duties

Would You Like to Play a Game?!

Chapter 43: The Laws that Govern
Wisconsin's Public Libraries

Intro: Breakdown of Chapter 43

- 43.00 – 07 Duties of the state entities (State Superintendent, COLAND, DPI/DLT, RLLL)
- 43.09 Certificates and standards
- 43.11 – 12 County planning and payments
- 43.13 – 27 Public library systems
- 43.30 – 72 Local issues

Support Structure: Wisconsin Public Libraries

COLAND

State Superintendent

Division for Libraries & Technology

Public Library Development Team | Resources 4 Libs & Lifelong Learning

Public Library Systems

Municipal
Libraries

Joint
Libraries

Consolidated
County
Libraries

Tribal
Libraries

43.03-07: Division for Libraries & Technology

Duties of “the Division”

- Coordinate and conduct continuing education programs for librarians of public libraries & library systems, school library media programs and institutional library programs
- Provide professional and technical advisory, consulting, and informational services to public libraries, municipalities, and systems, school districts, state agencies and officers, and institutional library programs

43.03-07: Division for Libraries & Technology

Duties of “the Division”

- Collect library statistics and conduct studies and surveys of library needs throughout the state and report and publish the findings
- Recommend and distribute standards for public libraries, school library programs and facilities, and institutional library programs
- Establish standards for public library systems

43.03-07: Division for Libraries & Technology

Duties of “the Division”

- Establish standards for and **issue certificates to public librarians**
- Approve the establishment of public library systems
- Administer aids to public library systems (state and federal)
- Maintain a resources for libraries and lifelong learning service (RL&LL)

43.03-07: Division for Libraries & Technology

A Few Words about COLAND

- The Council on Library and Network Development (COLAND) is a governor-appointed council that generally advises the State Superintendent and the Division on the policies, activities, budget, and overall direction of the state's programs for public and school libraries and network services.

43.52-57 Establishment of Public Libraries

- Any municipality may establish, equip, and maintain a public library
- A joint library may be created by any 2 or more municipalities or by a county and one or more municipalities located in whole or part in the county
- Tribal associations or governments may also establish a public library
- Counties may establish a county library, county library service, or joint library

43.52-57 Establishment of Public Libraries

- Every public library shall be free for the use of the inhabitants of the municipality by which it is established and maintained,
 - System membership requires “same services” to all residents of the system area
- ... and subject to such reasonable regulations as the library board prescribes in order to render its use beneficial to the greatest number
 - Policies are set by the library board and reviewed regularly
 - “Reasonable” implies they must be uniformly and consistently enforced
- The library board may exclude those who willfully violate such regulations
- Library can charge user fees for services outside of “core library services”

43.54 Library Board Composition

- Members are appointed by the mayor, village president, town chairperson, or tribal chairperson
- Terms are for 3 years, and expirations are staggered so that the vacancies do not occur at the same time, commencing on May 1
- The appointing authority shall appoint a school district administrator or the administrator's representative
- Not more than one member of the municipal governing body shall at any one time be a member of the library board
- Members shall be residents of the municipality; not more than 2 can live outside the municipality

43.54 Library Board Composition

- A county *may* appoint up to 5 additional members to a local library board, based on the sum appropriated by the county relative to the local appropriation
 - Example: If your municipal library appropriates \$300,000 to your library and your county appropriates \$120,000...
 - ...Then the county's appropriation is more than 1/3 of the municipal appropriation but less than half
 - So the county may appoint 2 additional members to the local library board (per 43.60(3)(a))

In this scenario, a City of the 4th class would have 7 members appointed by the City and then an additional 2 members (if the county board exercises this option) for a total of 9 board members.

43.60 County Appointments to Local Boards

Wisconsin State Statutes 43.60(3)(a): A county chairperson, with the approval of the county board, may appoint from among the residents of the county additional members to the library board of a public library of a municipality located in whole or in part in the county, for a term of 3 years from the May 1 following the appointment, and thereafter, for a term of 3 years, as follows:

- **(3)(a)1.** If the annual sum appropriated by the county is equal to at least $1/6$ or less than $1/3$. . . one additional member
- **(3)(a)2.** If the annual sum appropriated by the county is equal to at least $1/3$, but less than $1/2$. . . two additional members
- **(3)(a)3.** If the annual sum appropriated by the county is equal to at least $1/2$, but less than $2/3$. . . three additional members
- **(3)(a)4.** If the annual sum appropriated by the county is equal to at least $2/3$, but less than the annual sum appropriated by the municipality, four additional members
- **(3)(a)5.** If the annual sum appropriated by the county is equal to at least the annual sum appropriated by the municipality, five additional members
- **(3)(c).** A county chairperson may appoint a county supervisor to serve as a member of a library board of a public library of a municipality under par. (a), but no more than one county supervisor so appointed may serve on the library board at the same time

43.58 Powers & Duties of the Library Board

- Exclusive control
- Library finances and bills
- Liability
- Supervision of the library, including hiring the director
- Prescribe duties and compensation for staff
- Programming
- Annual report to the DLT

43.58(1): Exclusive Control

- The library board shall have **exclusive control** of expenditure of all monies collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized
- The library board shall also have **exclusive charge, control and custody** of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality **for library purposes**

43.58(2): Library Finances

- The library board must approve all expenditures of library funds; however,
- Library funds must be held and disbursed by the municipality (or fiscal agent municipality if a joint library)
- That includes all library revenues, such as fines, fees, sales, and county funds; however,
- Donations and bequests may be deposited or transferred as specifically allowed

43.58(3) Liability

- *“Any person having a claim or demand against the municipality or county growing out of any act or omission of the library board shall file with the library board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the municipality or county.”*
- This provides a framework for legal claims

43.58(4): Hiring the Director

- The library board has the authority to hire, supervise, and, if necessary, fire the library director
- The director is under the direct supervision of the library board
- The director hires and supervises all staff and volunteers who work in the library
- The library board also has the legal authority and responsibility for determining the general duties and compensation of all library staff, including the director

43.58(5): Programming

- *“The library board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with the UW System, technical college district boards, the historical society, the department, cooperative educational service agencies, school boards and other educational institutions to secure such lectures or to foster and encourage by other means the wider use of books and other resources, reference and educational materials upon scientific, historical, economic, literary, educational and other useful subjects.”*

43.58(6): Annual Report

- The library board must submit a report (aka, the annual report) to the DLT and its governing body within 60 days of the conclusion of the fiscal year
 - States the condition of funds held in trust by the library board
 - Reflects all funds in the library board's control, including detail of all expenditures paid by the library
 - Includes data concerning materials, facilities, personnel, operations, programming, etc.
 - Contains a statement by the library board indicating whether the public library system in which the library participated that year **did** or **did not** provide effective leadership

43.58(7): Donations, Bequests, and Trusts

- The library board may receive, manage and dispose of gifts and donations by:
 - Transferring the funds to the treasurer of the municipality or county that established the library
 - Resolve to deposit the funds with a public depository (a bank, credit union, or savings and loan in WI, or the local government investment pool)
 - Entrust the funds to a financial secretary, who may invest the funds as permitted
 - Pay or transfer funds to a charitable organization whose purpose is to provide financial or material support to the public library, or a community foundation (NOTE: if transferred to a library or community foundation, the board maintains control over the disbursements of the proceeds and principle)

43.12: County Payments

- Requires reimbursement of at least 70% of the operating costs for serving non-resident borrowers (aka: rural residents)
- Act 150 (1997) required payment to libraries within the county
- Act 420 (2006) required payment to libraries in adjacent counties
- Act 157(2013) enabled libraries to bill consolidated county libraries
- Circulation used as measure of resident/non-resident use
- **Claims must be submitted by July 1 for payments to be made March 1 of the following year**

43.64: County Tax & Exemption

- Provides authority for counties to tax for public library services
- A municipality that supports a public library can be exempt from the county tax if the municipality appropriates and expends for a library fund an amount above the defined minimum, which is based on the equalized value of the property taxed for county library service
- The request must be calculated and submitted annually
- Not all library communities will exempt from the county tax
- **This is the responsibility of the municipality, but it should be on your radar**

43.24(2): System Eligibility for State Aid

- State aid is the funding that systems receive, as appropriated by the legislature
- In order to receive state aid, certain services are required by law:
 - Written agreements with all member libraries
 - Written agreement with resource library (statutorily supplies back up reference, ILL, and development of specialized collections)
 - Referral or routing of reference and ILL requests from member libraries to other member libraries and libraries outside the system
 - In-service training for member library personnel and trustees