Chapter 43 Subcommittee
responses to PLSR structural models W and Y
July 23, 2018

At various PLSR process milestones, the Chapter 43 workgroup (changed to a subcommittee in early 2018) has been asked to review recommendation development and provide the Steering Committee summary reports for the committee’s consideration.

When the subcommittee concluded its workgroup phase, it reported a determination that any changes made to Chapter 43 related to library services currently provided by or through public library systems should:

- Encourage flexibility
- Allow for change/innovation
- Promote equity of service to libraries and end users by removing barriers and supporting equity of service statewide

At that point the reconstituted subcommittee was tasked to advise and assist the Steering Committee regarding legislative considerations, but not to develop the administrative, funding and governance structure recommendations. That development within the current process has been identified as the role of the Steering Committee, the Core Recommendation Collaborators and Model Development Summit participants.

In relation to each proposed structural model and workgroup topic area, the subcommittee has sought to address the following:

- Is legislative change necessary and if so, what should change (state statute, administrative rule, or through Division authority)?
- What consequences, foreseen and potentially unintended, might there be from the changes?

The subcommittee’s reports may include reference to and examples of other models that exist from other states, drawing from what has already been done elsewhere along with analysis of Chapter 43 and legislative considerations related to the proposals under consideration.
This report summarizes the subcommittee’s identification of elements of the state statutes that will or may require change based on proposed structural Models Gold and Green and recommendations they draw upon from workgroup reports. Comments are also included, from subcommittee members and liaisons, intended to be helpful and informative.

**Delivery**

**Model Gold**
Delivery as proposed in Model Gold could be instituted without changes to Chapter 43. Thus, theoretically, this model aligns with what is currently allowable in 43.24 (2) (fm). However, if delivery hubs were created, it might be advisable to change the requirement (see Comments below).

**Model Green**
Delivery as proposed in Model Green could exist without changes to 43.24 (2) (fm) if changes are made to 43.19 and 43.21 addressing the size and composition of library systems. Thus, it both aligns and doesn't align with current Chapter 43. A change or clarification to 43.15 (1) for minimum size could be made, and also expand the language in 43.15 (4) (a) to two “or more” systems to merge.

It has been suggested that it would make more sense to change 43.19 and 43.21 (and other areas where size and composition are mentioned) than to change 43.24 (2) (fm). 43.21, which addresses consolidated systems, would eventually be eliminated because consolidated systems are single-county systems and Model Green would discontinue single-county systems. Milwaukee County (currently referred to in statutes as "a county with a population of at least 750,000") needs to be addressed, too, in the areas of system operations distinct from other counties -- maybe 43.12 (7) should be left in since there is only one municipality in the county that may be subject to county payments. Also, references to single-county systems in 43.15 would need to be eliminated (along with any provisions regarding them). The overlap with other service areas would need to be addressed at the same time since the delivery hubs and system structure are dependent on one another in this model.

**Other state information**
Colorado CLiC operates a statewide courier network successfully as a single state system ([https://www.clicweb.org/library-courier/](https://www.clicweb.org/library-courier/)). Maine and New Jersey both had nightmare stories by changing the contracted private single statewide delivery service. Minitex in MN operates delivery among all types of libraries. Kansas has a statewide...
courier for ILL. Texas provides courier service at a cost to the local library, similar to what is proposed in Model Green, but service is provided only to OCLC participants so is likely more limited in scope than what is proposed in Model Green. Keep in perspective, however, that Wisconsin’s high participation in shared ILSes and inter-system agreements makes its total volume considerably higher per capita than other states. Ohio is one state that has higher total ILL than Wisconsin and the state library manages and operates a single-vendor statewide library delivery network.

Comments
Current statutes mandate that library systems ensure provision of physical delivery of library materials to participating libraries -- 43.24 (2) (fm).

Although delivery is required in 43.24 (2) (fm), it is only among “participating libraries,” a term that is used throughout Chapter 43 to refer to members of an individual library system. Inter-system delivery is not specifically referenced in the statute, although certainly implied in 43.24 (2) (d) ensuring interlibrary loan services “from libraries within the system to libraries within and outside the system,” and could be accommodated in inter-system agreements, but not required. A subcommittee member believes that the Division cannot use Administrative Rule to extend delivery to include statewide delivery or require systems to participate in regionally-served delivery networks without more specific language.

Statewide delivery has existed for many years. It may make sense to require it in the statutes. Should it be a requirement that service is provided to regional hubs and that these hubs deliver to libraries within a region? It might make sense to have broad language that refers to regional hubs linked to one another providing direct delivery to libraries. Possibly language referring to the number of deliveries per week? In order for there to be managers of the operations, it might make sense to have a structure outlined in the statute including governance.

To effect the change for Model Gold, statute language would need to be added to require systems to co-operate or contract with delivery services that serve other systems, though that seems restrictive and may invite requirement of private industry sourcing. It may be more effective to require each system to appropriate funds sufficient to operate the regional hubs and a hub-to-hub network. Or add language that would allocate a determined percentage of system aids to fund such a statewide service that could be administered and agreed upon by a board of the systems.

For Model Green, in order to get the systems to coincide with hubs, the maximum number of systems would need to be reduced, and systems would need to meet size
and area requirements, unless the hubs can be more fluid and periodically change to serve changing territories. The statewide board could be provided with a portion of the state aid in order to operate the hub-type intersystem delivery. Alternatively, physical delivery could be eliminated as a required service and statewide library delivery could be addressed in Chapter 43 as another funded service. (But: Who would advocate for it? How could contracts be affected by state procurement requirements?)

A subcommittee member observed that no other state has the level of shared ILS participation and the volume of ILS-managed ILL that Wisconsin has.

**ILL-ILS**

**Model Gold**
Nothing much really changes from status quo, though a discovery layer is not specifically referenced in statute. If ILL was to continue in its present form [43.05 (11) for Division-level mention, 43.24 (2) (d) for system-level mention, 43.15 (4) (c) (4) for library-level mention] it could, in theory, stay as-is. Since ILS is not a required service, significant changes would need to be made if the processes were to be mandated.

**Model Green**
ILL aligns with current wording. ILS is not currently defined in Chapter 43 nor is a discovery layer, though elements of 43.06 added in 2017 may address it. Same issue regarding dissolution of an ILS or discovery layer exists. Statute language would be required to get to systems that conform to the hubs/areas required for the parallel ILS/ILL networks.

**Other state information**
Massachusetts’ single statewide system has worked to cluster ILS options and make them all discoverable to an ILL system for resource sharing. Kansas has not much statewide or coordinated, ILL managed and done cooperatively with two other states. Minnesota has Minitex to coordinate ILL among various parties and types of ILS systems. One subcommittee member says “Some states that have regional library systems also have shared or linked ILSes. Colorado has linked ILSes in this manner. The structure appears to be somewhat different than what is being recommended.” Another member says “Colorado does not have statewide CLiK supported ILS structures, has AspenCat for ILL.”

**Comments**
Current language in 43.05 (11) references the Division having a role in interlibrary loan, and “database search services, and maintenance of a statewide database of library materials” also mentioned there could be interpreted to provide a statewide ILS or perhaps discovery layer configured in any way that the division deems appropriate. It might require some changes to the Administrative Code.

Language added in 2017 may apply to a state-provided discovery layer, in 43.06, a number of aspects but particularly (e).

Any service including ILS could fall under 43.24 (2) (i) although limited to the libraries and residents of the library system area. 43.24 (2) (g), which requires service agreements with adjacent library systems, could include ILS although has been interpreted over the years to be primarily limited to walk-in traffic or to a library card issued by the adjacent system. It would still require a written agreement and would not be considered a requirement.

Intra-system ILL is a required system service and member libraries, per 43.15 requirements, must participate in this ILL, though the statute does not define or require libraries to share everything or to participate in automation offered by the system. Specifying specific language is not an attractive option.

A subcommittee member notes that it appears Model Gold does not address current structure flaws regarding Chapter 43 language. ILS in particular could, in theory, be eliminated at the system level, forcing local libraries to create their own consortial or stand-alone ILS.

A subcommittee member suggests it is best to continue to leave ILS as something not specifically referenced in statute, since it is essentially just an automated materials handling system for ILL services. The member adds: Think carefully about whether to force individual libraries to share all materials with other system libraries -- that is better done through ILS contracts that in turn may compel systems to keep their ILS products vital and effective.

A subcommittee member says governance is a real issue for the workgroup-proposed statewide ILL and the linked ILSes. There is reference to an advisory committee. How it goes from a regional structure to state structure with regional entities would require either changes to the statutes or detailed contracts. Currently systems sharing resources and software do so with a "lead" system. Participating systems maintain control of their employees. It is not impossible for separate systems to share an employee but not desirable. So the question arises, What is the governing entity for the
19 FTE? [19 FTE mentioned for ILL in the ILL-ILS workgroup report, p. 28, under “Staffing Model.”] Will a new organization need to be created? Will an existing entity such as DPI have a role?

Likewise, for ILS, there is a significant question of governance. The ILL-ILS workgroup suggests moving forward with the merging of existing ILS structures. Will this be a help or a hindrance as a regional/state structure is developed? If library systems continue to exist, how will the organizational chart work? Will systems maintain authority over the regional staff? To whom will the co-directors report? If they report to a different entity, how will supervision flow? The Steering Committee will need to determine how this will work before a definitive change to Chapter 43 can be suggested.

A subcommittee member agrees with the ILL-ILS workgroup that ILSes can be merged without change to Chapter 43. This is currently being done. This could continue and various test cases of discovery layers, etc., could be done. However, the longer term needs to be considered. The Colorado model has a number of regional systems, all using the same or similar ILS platforms, linked by a discovery layer. Perhaps without changes to Chapter 43 this could be attempted once it appears mergers of various ILSes have occurred or, on a smaller scale, two or three existing ILSes using a discovery layer.

**Technology**

**Model Gold**
Model Gold recommends service being provided by agreement with no requirement. No change to Chapter 43 needed.

**Model Green**
Since technology is not a mandated service, Model Green does not align with current Chapter 43. The proposed three regions would need to be created. This could require wording in Chapter 43, probably in the governance/service management team area.

**Other state information**
Texas State Library provides technology services including broadband services, purchasing, consulting, etc.

**Comments**
Can be implemented in phases using contract language within statute. Advisory groups are supported by statute.
Technology infrastructure and support are not specifically mandated system services but viewed by libraries as an essential service.

**Continuing Education-Consulting**

**Model Gold**
Continuing education and consulting as presented in Model Gold does not require change to statute.

**Model Green**
Creating regional service areas does not necessarily require change to Chapter 43.

**Comments**
Under Model Green, it is not clear who employs the proposed consulting staff. Are they employed by systems but are available to larger regions or statewide? Are consultants employed under a new or different structure or organization? If any of that would require mandating, then a change in law could be needed.

Statutes mention continuing education and certain consulting as an activity participated in by the Division (43.05 (1)), and also that the Division oversees public librarian certification. Language added in 2017 mentions creation of an automated system for certification (43.06 (1) (f)).

**Collections**

**Model Gold**
Collections proposals in Model Gold do not require change to statute.

**Model Green**
If committees or other units need to be identified for governance or funding, then statutes would need to be created. Advisory committees are already allowed by statutes. If centralized collection repository or authority needs to be designated, that could be codified in some way.

**Comments**
Examples of statewide digital collections already exist.
Resource Libraries

Model Gold
Model Gold indicates that it requires no change to Chapter 43 regarding resource libraries.

Model Green
Resource library language in 43.16 and 43.24 could remain unchanged.

Other state information
No other states were found to have resource libraries as a requirement for regional services or cooperatives. Michigan has Detroit set out as a separate “system,” as is Chicago in Illinois. In Massachusetts, Boston has provided funding to serve as a statewide resource for the statewide system. Maryland references “Resource Libraries” but does not have regional systems such as we have -- this is believed to be a mechanism to establish larger points of service for citizens, not services to libraries.

Comments
A subcommittee member notes that resource library language in Model Gold does not align with the Resource Library Workgroup Report, which recommends elimination of statutorily mandated regional resource libraries and creation of a single state resource library. Such would require a change to Chapter 43.

A subcommittee member says that, even if no changes to Chapter 43 are required for Model Gold, changes in system standards and funding have potential to impact service contracts.

A subcommittee member adds that previous studies and issue papers of the Division have questioned the current resource library services. Prior to 1985, Chapter 43 simply stated that a system could have one or more resource libraries, and did not have the specific services. Chapter 43 provides that systems can contract with libraries within or outside the system to provide services. Resource libraries are a vestige of the original “hub and spoke” model, before networking and automation provided for sharing of materials among all types of libraries.

Administration

Model Gold
Model Gold does not require change to system administration specifically. Recommendation partially aligns with Chapter 43. A task force would be formed to recommend changes to 43.15. Vague reference to the Division providing leadership opportunities based on these changes. It is difficult to determine without knowing the changes how it aligns with 43.24 or 43.05 or 43.09.

Model Green
This model recommends a reduction in the number of public library systems from 16 to 6-8, a statewide governing board for all library services, and allows for appointments of library staff to system board -- all of which have potential to impact system administration. A reduction in the number of systems would necessitate changes to 43.15, 43.19 and 43.21 related to system size; 43.24 regarding state aid and state aid service requirements; and 43.17 (1) regarding the library system board.

Model Green would require the creation of the state librarian position as well as the statewide management team. Regional positions would also be created for the service areas.

Other states information
Other states lean toward a state librarian and more involvement at that level. If pursued it would be advisable to look more fully at how those states handle administration at the state, regional and local levels.

Comments
Revising library system standards of service and funding, as recommended in the report, could certainly have an impact on system administration in 43.24.

As mentioned above, Model Green would require the creation of the state librarian position, the statewide management team and regional positions. Some thought would be required as to where these changes would occur within Chapter 43. With additions and deletions occurring it is possible to put the changes in those areas but it probably would be up to LRB to recodify the chapter based on any changes made.

For Model Gold, it is unclear how the recommendation would diverge from Chapter 43 without knowing the results of the task force. One would assume the task force would follow the the structure of the service model as much as possible and thus it would not diverge from Chapter 43 to any large degree. Perhaps clarification on some “mandates” would be needed. However, statements under each service area in the proposed model document indicate little or no change.
Funding

Model Gold
Model Gold uses existing statute but requires a change to designate use of the recommended funding formula. See 43.24.

Model Green
Model Green does not address funding.

Comments
It is currently supposed that current funding methods are used in Model Green, applied to the proposed reduced number of systems.

Governance

Model Gold
No change required; it is unknown what changes the proposed task force might recommend.

Model Green
Model Green creates an entirely new governance structure for system services. For Chapter 43 this would require the deletion of most of the current structure and addition of the new structure. The model proposes a state librarian position, state library board and statewide service team. Authority remains a question since regional boards would continue to exist. Also, a number of issues such as assistant state superintendent, COLAND and other positions within the Division would need to be addressed or clarified.

Other states information
Other states lean toward a state librarian form of governance. Others include regional library systems within the structure.

Comments
It may make sense to create a task force to determine how to address current positions and governance and how and where to place the new structure. How it is currently presented would require a rewrite of the chapter. A subcommittee members suggests
that task force could possibly review intent making it easier to change. For example, recommending that an existing position within the Division become the state librarian and/or COLAND being replaced by the state library board. This would help to know that language addressing those issues needs to be deleted and replaced rather than added to.

**Standards**

**Model Gold**
The proposal says legislative change would be sought to incorporate the recommended revised standards and accountability structure.

**Model Green**
The model refers to “Mandatory System Services and Standards to support equity of service (SRLAAW Creating More Effective Public Library Systems; 2013)” but does not indicate how those might be accomplished.

**Comments**
A subcommittee member notes that language about required services and accountability would require change in Chapter 43.

Another member says Chapter 43 sets basic minimum standards that would need to be revised. The suggestion in Model Gold is to do that via a task force. After work is completed statute would need to be changed. Model Green suggests change but doesn't prescribe how.

A subcommittee member points out that 43.09 (2), which says “the division, by rule, may promulgate necessary standards for public library systems,” refers to standards under 43.15. Those are separate from the system duties that are listed in 43.24 (2). However, the Division can establish administrative rules to clarify the context of the statute language. As is suggested, while the Division can define and clarify the current services stated in 43.24, the Division cannot establish “new” standards, unless those are explicitly included in the statute.