

this section, shall perpetually enjoin him from employing any person in his business at any time when he is not complying with subsection 2 of this section.

SECTION 3. Subsection (2) of section 2394—19 is hereby repealed and subsections (3) and (4) of said section 2394—19, of the statutes, shall be renumbered as subsections (2) and (3), respectively.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 24, S.]

[Published July 2, 1921.

## CHAPTER 452.

AN ACT to amend the title of chapter 43 of the statutes, and to amend, consolidate, renumber and revise sections 43.17 to 43.35, inclusive, and other sections of the statutes and session laws, and create therefrom sections 43.17 to 43.51, all relating to school libraries, municipal libraries, museums, civic and community centres and special uses of municipal buildings.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The chapter title of chapter 43 of the statutes is revised to read: Chapter 43 LIBRARIES, MUSEUMS, CIVIC AND COMMUNITY CENTRES, AND SPECIAL USES OF MUNICIPAL BUILDINGS.

SECTION 2. All that part of subsection (8) of section 20.24 ending with the first semicolon therein, is amended to read:

(Section 20.24) (8) Within ten days after such settlement each county treasurer shall set apart and withhold from such apportionment an amount equal to ten cents per capita for each person of school age residing in towns, villages and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in \* \* \* sections 43.17 to 43.21, inclusive.

SECTION 3. Subsections (2) and (6) of section 14.57 are amended to read:

(Section 14.57) (2) To prohibit the use of sectarian books and sectarian instruction in the public schools. \* \* \*

(6) To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, cir-

culars, correspondence and public addresses give the public information bearing upon the different methods of school organization and management provided by law in this state; \* \* \* to prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting annual and special meetings; to prepare and publish from time to time, as occasion may require, courses of study for ungraded, state graded and free high schools and day schools for the deaf, and to compile, edit and distribute annually to the schools in pamphlet form matter adapted to and suitable for the intelligent observance of memorial day.

#### SCHOOL LIBRARY LAW.

SECTION 4. Those parts of subsections (2) and (6) of section 14.57 stricken in the preceding section of this bill, subsection (14) of section 14.57; and subsection (9) of section 40.36 are consolidated and renumbered to be section 43.17, and revised to read:

43.17 GENERAL SUPERVISION; BOOK LIST; SUSPENSION OF LAW. (1) The state superintendent shall aid in promoting the establishment, maintenance and control of school libraries, and prescribe regulations for their management. He shall advise in the selection of books for such libraries and, as often as he deems necessary, prepare a list of books suitable therefor, and furnish copies of said list to each school concerned, and to each county, district or city superintendent.

(2) The state superintendent may suspend the operation of the school library law in any school district or subdistrict containing a free public library, or which is located wholly or in part in any incorporated village or city containing a free public library, whenever the board of said free public library, during the year ending June thirtieth next preceding the date of the application for suspension, has expended in the purchase of library books suitable for children in the elementary school grades a sum equal to the sum which would be released by the suspension of the school library law, as certified by the secretary of the free library commission; but the amount so expended by the said board of the free public library for any one year shall not be made the basis of such suspension for more than one year. The state superintendent shall give notice of such suspension to the clerk or secretary of the board of education of the school district

affected, and to the county, district or city superintendent, county clerk and county treasurer of the county in which the district is located.

SECTION 5. Section 40.37 is renumbered to be section 43.18 and amended to read:

43.18 COMMITTEE TO CONTRACT FOR PURCHASE OF BOOKS. (1) The state superintendent, \* \* \* secretary of the \* \* \* free library commission, and \* \* \* attorney-general \* \* \* constitute a committee \* \* \* to secure bids and make a contract \* \* \* with some responsible dealer \* \* \* for \* \* \* supplying books and periodicals \* \* \* pursuant to the school library law.

(2) Whenever the list of books \* \* \* provided for by subsection (1) of section 43.17 is completed, \* \* \* a copy thereof shall be furnished to \* \* \* each dealer making application \* \* \* therefor, \* \* \* together with a clear and complete statement of the conditions under which the books and periodicals are to be supplied, the date on which the bids must be \* \* \* filed and opened, and \* \* \* such other information as may be necessary. \* \* \*

(3) \* \* \* Each bidder shall deposit with the state treasurer before filing his bid the sum of one thousand dollars, to be forfeited to the state in case he shall not file the bond required by subsection (4) and make a contract in accordance with his bid, if accepted, and with all the requirements of the school library law, taking a receipt therefor from said treasurer stating the aforesaid conditions of the deposit, which shall be filed with his bid, and no bid shall be considered that does not fully comply with this subsection. On the rejection of any bid for any reason the said receipt and deposit shall be returned to the bidder. On the accepted bid the said receipt and deposit shall be retained until the bidder has filed the bond required by subsection (4) and thereupon they shall be returned to him.

(4) The committee shall require a bond from the successful bidder in the penal sum of ten thousand dollars, with good and responsible sureties, approved by it, for the faithful and reasonable performance of the terms of the contract. \* \* \*

(5) \* \* \* Immediately upon the making of the contract, the state superintendent shall give notice thereof to all officers \* \* \* charged with the duty of purchasing the books for \* \* \* school libraries, \* \* \* in a circular setting

forth the conditions under which the books are to be furnished, the name and address of the \* \* \* *contract dealer*, and a statement to the effect that no money withheld from the common school apportionment for the purchase of \* \* \* *school library books* shall be used in the purchase of books or periodicals from any other dealer \* \* \* . *Any person who purchases books or periodicals in violation of this subsection shall be punished by a fine equal to the amount of money expended and costs.*

SECTION 6. Subsection (22) of section 40.09 is repealed.

SECTION 7. Subsections (1), (2) and (3) of section 40.36 are renumbered to be section 43.19, and revised to read:

43.19 CONTROL AND ALLOTMENT OF SCHOOL LIBRARY MONEYS. (1) Between the first days of April and September of each year the county, district or city superintendent of schools shall, in the manner prescribed in section 43.21, provide for the expenditure of all moneys withheld by the county treasurer from the common school fund income, pursuant to subsection (8) of section 20.24 for the purchase of library books for the districts under his supervision, the schoolhouses of which are located in his county or superintendent district, in proportion to the amount of money withheld from each.

(2) Whenever a school district under the jurisdiction of a city superintendent is joint between a city and one or more towns, the city superintendent and the county superintendent having jurisdiction over the territory adjacent to the city district shall, on or before February first of each year, in a joint statement, certify to the county clerk and county treasurer the number of persons of school age in that part of the city district outside of the city limits; and the city superintendent of each city of the fourth class shall provide for the expenditure of the school library moneys on the basis of the total number of persons of school age in the city district, whether resident within or without the city limits.

(3) Whenever a school district is located in more than one county or superintendent district, the superintendent of the county or superintendent district in which the schoolhouse is located shall provide for the expenditure of the total sum of school library money withheld from such joint school district.

(4) On or before December first of each year the superintendents of any two adjoining counties shall, jointly, prepare an

intemized statement of any balance of school library moneys due from one county to the other in order that the total amount of such moneys, of which each superintendent has control shall be in the treasury of his county. A copy of said statement shall be transmitted to the clerk of each such county, whereupon such balance shall be transferred accordingly, without any order of the county board.

SECTION 8. Section 39.12 is renumbered to be section 43.20, and amended to read:

43.20 ACCESSIONING SAMPLE BOOKS. \* \* \* *Each county and district superintendent \* \* \* and each city superintendent \* \* \* of any \* \* \* city of the fourth class shall \* \* \* accession and care for as county, superintendent district, or city school district property, free sample books, which are on the \* \* \* school library list and which are received by \* \* \* him after \* \* \* his election or appointment and during \* \* \* his term of office. \* \* \**

SECTION 9. Subsections (5), (6) and (7) of section 40.36 are renumbered to be section 43.21 and revised to read:

43.21 METHOD OF PURCHASE AND DISTRIBUTION OF BOOKS. (1) Each county or district superintendent shall keep on file in his office a list of books in the library of each school district, the schoolhouse of which is located in his superintendent district, and arrange such lists by districts and towns in numerical and alphabetical order. Guided by such lists and other information obtained regarding said libraries, each said superintendent shall select, from the school library list, and make lists of books to be purchased for each such library. He shall furnish two copies of each such list to each town and village clerk and each clerk of any city of the fourth class, respectively, affected thereby; and shall certify to the county clerk the names, numbers, contract price, and total cost of the books selected for each such town, village or city of the fourth class. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the superintendent to the contract dealer, who shall deliver said books, in accordance with said lists, to the clerk of each town, village and city, respectively.

(3) Within ten days after such delivery each such clerk shall compare the same with his list, and file with the county clerk

one copy of said list indicating plainly which of the listed books have been received in good condition, or shall report to said county clerk by separate writing which of said books have been received in good condition; and within three days thereafter the county clerk shall cause payment to be made therefor at contract price, as certified by the superintendent.

(4) If any error or irregularity shall have occurred in such delivery the town, village or city clerk, respectively, shall within ten days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the county, district or city superintendent, respectively; and the contract dealer shall forthwith take steps to rectify such error or irregularity.

(5) Any town, village or city clerk who fails to comply with the provisions of subsections (3) and (4) shall be liable to a forfeiture in the sum of five dollars.

(6) The express, freight and postage charges on books purchased under the school library law shall be paid by the town, village or city receiving them.

(7) Immediately upon receipt by him of any books purchased pursuant to this section, the town clerk shall distribute such books, according to his list, to the clerks of the several school districts or, if the schools are in session, to the teachers or principals in charge, who shall sign and deliver to the town clerk a receipt specifying the titles of the books and the date on which they were delivered. For this service the town clerk shall be paid from the town treasury such sum, not exceeding two dollars per day, as shall be determined by the town board. Village and city clerks, upon receiving books pursuant to this section, shall without unnecessary delay transmit such books to the principal or superintendent of the schools of the village or city.

SECTION 10. Section 40.22 and subsection (4) of section 40.36 are consolidated and renumbered to be section 43.22, and revised to read:

43.22 LIBRARY ADMINISTRATION. (1) While school is in session, the following persons shall be the school librarians: In one-room rural schools, the teacher; in state graded schools and in rural schools of more than one department, the principal, unless some other teacher is designated by the school board; in elementary schools supervised by a city superintendent, such teachers or other persons as are designated by the city superintendent with the approval of the school board; in elementary

schools under the supervision of a principal who supervises all the schools of the district, such teachers or other persons as are designated by the principal with the approval of the school board; in high schools, a teacher or other person appointed by the school board and whose qualifications are at least equal to the minimum prescribed by the state superintendent. When school is not in session such person shall act as school librarian as is appointed by the school board; but if such appointment is not made the school clerk shall act as librarian.

(2) Except when loaned to a public library as provided in subsection (2) of section 43.23, school library books shall be housed in the school buildings; but between school terms they may, if necessary for convenience in safeguarding or loaning the books, be housed in such place as the district board shall designate.

(3) School library books shall be loaned by the librarian to pupils and teachers of the school, and to other residents of the district, under regulations prescribed by the state superintendent; but in school districts where there is access to a public library, the school board may restrict the use of school library books to school purposes.

(4) The librarian shall keep a record of the books received for the library, and shall report to the county, district or city superintendent, respectively, on blanks supplied by him, such information regarding the condition and needs of the school library as may be called for by such superintendent.

(5) All actions relating to school libraries or for the recovery of any penalties incurred in relation thereto shall be brought in the name of the proper school district.

SECTION 11. Section 40.40, subsection (8) of section 40.36, and section 40.38 are consolidated and renumbered to be section 43.23, and amended to read:

43.23 LIBRARY EXCHANGES. \* \* \* (1) School library books belonging to one school district may be loaned by the school board of the district to the school board of another school district for use in the school library of that district, in consideration of school library books similarly loaned in exchange therefor. \* \* \* County or district superintendents may arrange such exchanges and loans \* \* \* among the school districts in their jurisdiction \* \* \* upon mutual agreement by the school boards of the districts concerned. \* \* \* A school

district receiving books from another district under the provisions of this section shall be responsible for all losses sustained on account of books lost or damaged beyond ordinary wear and tear; and \* \* \* all books loaned or exchanged \* \* \* shall be returned to the school library of the district from which they have been \* \* \* loaned not later than two weeks before the close of the annual school term of \* \* \* said district.  
\* \* \*

(2) \* \* \* The library board \* \* \* of any free public library and the school board or the board of education of any school district, \* \* \* village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.

(3) \* \* \* The superintendent of agricultural institutes shall send to each town and village clerk in the state a sufficient number of bound copies of the bulletins of such institutes to enable him to supply each school district in his town with one copy of each edition thereof. The \* \* \* clerk shall distribute said bulletins to the school libraries in \* \* \* his town or village, from which they \* \* \* may be loaned in like manner and under the same regulations prescribed for the loaning of books therein.

SECTION 12. Section 40.39 is renumbered to be section 43.24, and amended to read:

43.24 REBINDING SCHOOL LIBRARY BOOKS. \* \* \*

(1) The state superintendent, \* \* \* secretary of the free library commission, and \* \* \* attorney-general \* \* \* constitute a state committee on the rebinding of school library books.

(2) \* \* \* Said committee shall, during the month of January each year make an approved list of firms engaged in book-binding to which school library books may be sent for rebinding under the provisions of this section, \* \* \* taking into consideration the convenience of location of such firms, \* \* \* the character of their work, their financial responsibility and any other matter or matters having a bearing on the satisfactory rebinding of school library books, the cost of rebinding, and the facilities and cost of transportation to and from the bindery.

(3) Before any bookbinding firm is placed on said approved list, an agreement shall have been entered into between such firm and the \* \* \* committee \* \* \* as to prices to be charged for the rebinding of books as provided \* \* \* in *this* section, and such other matters as said committee may deem essential to \* \* \* carrying out \* \* \* the intent thereof. Each such agreement shall contain a clause authorizing said committee to drop the firm from such approved list in case the terms of the agreement are not complied with by the firm in question.

(4) During the last month of the annual school term in every school district coming under the provisions of \* \* \* *the school* library law, the teacher, principal or superintendent, as the case may be, shall set aside those books in the school library or libraries, which are in need of rebinding, and \* \* \* supply to the district clerk a list in duplicate of the titles of the books thus set aside, also a list of the approved bookbinding firms, together with such other readily obtainable information regarding the books set aside as may be called for by the state or county superintendent on blanks \* \* \* supplied for the purpose. Only those school library books shall be set aside for rebinding whose original costs, \* \* \* value as school library books, \* \* \* sanitary condition, and condition as to wear and tear and cleanliness are such as, in the judgment of the teacher, principal or superintendent, to justify rebinding.

(5) It shall be unlawful for the district clerk to make out an order for the payment of the last month's salary of the teacher, principal or superintendent, as the case may be, before the books for rebinding, if there be any such books, shall have been set aside and a list thereof \* \* \* received by him, as provided in \* \* \* *subsection (4)*. If there are no *such* books \* \* \* a written statement to that effect signed by the teacher, principal or superintendent shall be substituted for said list of books.  
\* \* \*

(6) At the first regular or special meeting of the school board after the clerk has received the said list of books \* \* \* he shall present \* \* \* *it* to the board for its consideration and the board shall forthwith take formal action on the question of having the books rebound under the provisions of this section. \* \* \* The school board \* \* \* *shall take such* action not later than one month after the district clerk has received said list

\* \* \*. If necessary, a special meeting shall be called for the purpose *by the district clerk*.

(7) Payment for the rebinding \* \* \* under the provisions of this section shall be made from any funds in the treasury of the school district not otherwise appropriated. The first year any school district takes advantage of this section the amount expended for this purpose shall not exceed an amount equal to twenty cents for each person of school age in the district; thereafter such amount shall not exceed ten cents *per annum for each* \* \* \* person of school age \* \* \* in any one school district.

(8) Lists of approved bookbinding firms as provided for in this section shall be distributed to teachers, principals, and superintendents between the first day of March and the first day of May each year, in such manner as other publications are distributed from the office of the state superintendent \* \* \*.

#### MUNICIPAL LIBRARIES.

SECTION 13. That part of section 43.24 commencing with the first word of said section and ending with the word "room" immediately preceding the word "provided"; and subsection (1) of section 43.31, are consolidated and renumbered to be section 43.25, and amended to read:

##### 43.25 ESTABLISHMENT OR SUPPORT OF LIBRARIES.

(1) \* \* \* Every city of the second, third or fourth class \* \* \* and \* \* \* every village, \* \* \* town, *or county* may, *as hereinafter provided*, establish, equip and maintain a public library \* \* \* *or* reading room, or maintain and support any public library \* \* \* *or* reading room already established therein, and may annually levy \* \* \* a tax \* \* \* *or appropriate money* to provide a library fund, to be used exclusively to maintain such library \* \* \* *or* reading room; *and may enact and enforce police regulations to govern the use, management and preservation thereof*.

(2) Every *such* library \* \* \* *or* reading room \* \* \* shall be forever free for the use of the inhabitants of the \* \* \* *municipality by which it is established, supported or maintained*, subject to such reasonable \* \* \* regulations as the library board \* \* \* *shall prescribe* in order to render \* \* \* *its use* \* \* \* *most beneficial* to the greatest number, and \* \* \* *said board* may exclude \* \* \* from the use of

said library \* \* \* or reading room any and all persons who shall wilfully violate such \* \* \* *regulations*.

SECTION 14. Sections 43.17, 43.27 and 43.28 are consolidated and renumbered to be section 43.26, and revised to read:

43.26 LIBRARY BOARD, CONSTITUTION. (1) Each such library shall be administered by a library board composed in each city of the second or third class of eight appointive members, in each city of the fourth class of six appointive members, and in each village, town or county of four appointive members, who shall be citizens of the municipality, of either sex, appointed by the mayor, village president, or town or county chairman, respectively, with the approval of the municipal governing body. Upon their first appointment such members shall be divided as nearly as may be, into three equal classes to serve for one, two and three years, respectively, from the first day of July in the year of their appointment in the case of towns, cities and villages and from the first day of January following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of three years. The superintendent or other supervisor of schools of the municipality and, in cities under the commission form of government, one of said commissioners, shall be an additional member of said board. Not more than one member of the council or county, village or town board shall at any one time be a member of the library board. No compensation or expenses shall be paid to the members of any municipal library board for their services as such.

(2) In any city of the second or third class the common council may, by a two-thirds vote, provide for the reduction of the number of appointive members of the library board to six; and thereupon, whenever a term expires or a vacancy occurs, no appointment shall be made until the number of such members has been so reduced, whereupon the remaining members shall be by lot divided by the common council into three equal classes, to serve for one, two and three years, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of three years, from the succeeding first day of July.

(3) A majority of the board is a quorum; but any such board may, by regulation, provide that three or more members thereof shall constitute a quorum.

SECTION 15. Subsection (1) of section 43.18, and sections 43.19, 43.29 and 43.30 of the statutes are consolidated and renumbered to be section 43.27, and revised to read:

43.27 LIBRARY BOARD, ORGANIZATION AND FUNCTIONS; LIBRARIANS AND ASSISTANTS. (1) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within thirty days after the time designated in section 43.26 for the beginning of terms, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(2) The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized; and 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. The library board shall audit and approve all vouchers for the expenditures of such library and forward such vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the municipal clerk with a statement thereon, signed by the secretary, that the expenditure has been incurred and that the library board has audited and approved the bill. The municipal clerk shall thereupon draw his order upon the treasurer, and the same shall be paid as other municipal orders are paid.

(3) Any person having any claim or demand against the municipality growing out of any act or omission of the library board shall file with said board a written statement thereof, and if such claim or demand or any part thereof be disallowed the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the common council of a city under the general charter.

(4) The board may appoint a librarian and such other assistants and employes as they deem necessary, and prescribe their duties and compensation.

(5) The board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may co-operate with the University of Wisconsin, the state historical society, the free library commission, or boards of edu-

cation to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, economic, literary, educational and other useful subjects.

SECTION 16. The first sentence of section 1 of chapter 296 laws of 1913; that part of section 2 of chapter 296 laws of 1913 beginning with the first word of said section and ending with the word "libraries" where it occurs the second time in said section; the last sentence of subsection (3) of section 43.31; and sections 43.23, 43.25, 43.26, 43.33 and 43.34 of the statutes are consolidated and renumbered to be section 43.28 and revised to read:

43.28 ACQUISITION OF LIBRARY PROPERTY. (1) Any such municipality may purchase the site, erect a building or buildings, and equip the same, for such library; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.

(2) All persons desirous of making donations of money, personal property or real estate for the benefit of a public library shall have the right to vest the title thereto in the library board, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the said board shall be held and considered to be special trustees.

(3) In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the county, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be selected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form

as the ordinary bond required from the treasurer of such county, city, village, or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the library board showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

(4) Any county may receive by devise, bequest or gifts of lands, buildings, money, books or other property for the purpose of establishing a public library for the county and may enter into an agreement to maintain a public library in consideration thereof, and shall be bound to faithfully perform such agreement. In such case the library board have full power to properly administer the same.

(5) If a gift be offered to any county, city, village or town for a public library or a library building in consideration thereof such municipality may obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed fifteen per cent of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in section 10.43. In the case of any such gift for a library building, the library board of directors of such municipality shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such city council or county, village or town board the amount required to pay for such site, and the council or county, village or town board shall thereupon by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

(6) Whenever the said library board shall certify to the city council, or county, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may be legally expended therefor, said city council, or county, village or town board shall proceed to acquire such site

by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs.

SECTION 17. All that part of section 43.24 after and including the word "provided" is renumbered to be section 43.29 and amended to read:

**43.29 CITIES MAY AID FREE PUBLIC LIBRARIES.**

\* \* \* In lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or nonsectarian public library and reading room free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as \* \* \* *other municipal orders are paid.*

SECTION 18. Subsections (2), (3) except last sentence, (4) and (5) of section 43.31 are consolidated and renumbered to be section 43.30 and revised to read:

**43.30 LIBRARY EXTENSION AND INTERCHANGE.**

(1) The library board of any municipal library may, by contract or upon such conditions and regulations as it may prescribe, extend the use of the library to nonresidents of the municipality, or exchange books either permanently or temporarily with any other library.

(2) The library board of any municipality may, by agreement with any other municipality, provide for the loaning of books from its library, singly or in traveling libraries, to the residents of such other municipality; and any such other municipality may enter into any such agreement and levy a tax and appropriate money annually to meet its obligations thereunder.

(3) Whenever the annual sum appropriated by such other municipality pursuant to subsection (2) equals or exceeds one-sixth of the net annual income of such library during the preceding

fiscal year, the mayor, village president, or town or county chairman of such other municipality, with the approval of the governing body thereof, shall appoint from among the citizens of such municipality an additional member of the library board of said library, for a term of three years from the first day of July next succeeding such appointment, and thereafter for successive terms of three years each; but whenever such appropriation made is less than the minimum herein specified the office of such additional member of the board shall be vacant from and after the first day of July next thereafter.

SECTION 19. A new section is added to the statutes, to be numbered 43.31 and to read:

43.31 TRAVELING LIBRARIES. The library board of any municipal library may send out traveling libraries in its own and adjoining counties, and may make suitable provisions for receiving traveling libraries from its own and adjoining counties and from the free library commission.

SECTION 20. Subsection (2) of section 43.18; and section 43.20 and 43.21, are consolidated and renumbered to be section 43.32, and revised to read:

43.32 COUNTY TRAVELING LIBRARIES. (1) The library board of any county traveling library already established, or any county traveling library board established for the purposes of this section, may purchase suitable books for county traveling libraries, arrange them in proper cases, and distribute such cases of books to as many districts, as equally distant from each other, as the means therefor will permit, with the object in view of finally serving libraries within easy reach of all the people of the county. Such libraries may be located at suitable places in any town, village or city within the county, and not permitted to remain in one location longer than six months, except upon application of not less than five persons holding cards in such library, when such time may be extended not to exceed thirty days. Upon such removal another library may be loaned in its place successively for similar periods.

(2) For the purpose of such county traveling libraries any county may appropriate, the first year not to exceed five hundred dollars, and thereafter annually not to exceed two hundred dollars, for the purchase of books, for repairs, rebinding, and the cases and freight or express on same. Such money shall be re-

tained by the treasurer of the county in a separate fund. It shall be paid out on order of the library board, signed by its president and secretary. All the books, property, moneys, donations, devises, bequests or gifts bought or appropriated or given for the purposes of such county traveling libraries shall remain the property of the county for the uses of such libraries.

(3) The county traveling library board may appoint a resident of the county of either sex as supervising librarian for such county traveling libraries, at a salary of not exceeding fifty dollars per annum and expenses not exceeding seventy-five dollars per annum. His duties shall be to arrange the books in their cases and repair them when slightly injured, keep the records, instruct the librarians of county traveling libraries in their duty, and perform such other functions as may be directed by the library board. He shall report annually, for the information of the county board: (a) The number of volumes in libraries; (b) stations supplied during the year; (c) expenses incurred; (d) number of books bought during the year; and (e) any other information relating thereto, as may be directed by the library board or required by the county board.

SECTION 21. All of chapter 296 laws of 1913 not heretofore embraced in this act, and chapter 196 laws of 1917 are consolidated and renumbered to be section 43.33, and revised to read:

43.33 COUNTY SYSTEM OF LIBRARIES. (1) The county board of any county having a population of one hundred and fifty thousand or more may, pursuant to the provisions of sections 43.25 to 43.28, inclusive, establish and maintain a public library system for such county, and may for such purpose adopt, take over and acquire any library or libraries already established, by consent of the authorities controlling such library or libraries; or the county board may, by contract with any municipality within such county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by such municipality.

(2) The clerk of each such county shall submit to the county board, at each annual November meeting, a report covering the preceding fiscal year, showing in detail the amount and proportion of the money expended by the county pursuant to subsection (1) in each town, village and city. The county shall thereupon determine the proportionate amount to be raised and paid by each such municipality to reimburse the county for the money so advanced.

Within ten days after such determination the county clerk shall charge to each such municipality and certify to the clerk thereof the amounts so due, respectively; and each such municipality shall levy a tax sufficient and pay over to the county the amounts so certified.

SECTION 22. Sections 43.22 and 43.32 are consolidated and renumbered to be section 43.34, and revised to read:

43.34 GENERAL SUPERVISION. (1) The Wisconsin free library commission may advise any municipal library board, so far as practicable in the conduct of its work.

(2) On or before the first day of August of each year the said library board shall make an annual report for the year. Such report shall be submitted to the Wisconsin free library commission and shall state the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they may deem of general interest. The said board shall also include in the said annual report the names of the directors whose terms expire at the time the report is made.

(3) Within thirty days after the conclusion of the fiscal year of the county, town, city or village in which such library is located, the library board shall make a report stating the condition of their trust, the various sums of money received for the use of such library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the library, and from other sources. They shall also set out separately the condition of the permanent trust funds in their control. The said report shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year.

#### LIBRARIES AND MUSEUMS IN CITIES OF THE FIRST CLASS.

SECTION 23. Section 1 of chapter 7 laws of 1878; sections 1 and 2 of chapter 328 laws of 1882; section 1 of chapter 329 laws of 1882; and section 1 of chapter 111 laws of 1897, are consolidated and renumbered to be section 43.35, and revised to read:

43.35 ESTABLISHMENT AND MAINTENANCE. Any city of the first class however incorporated, may establish and maintain, for the free use of the inhabitants thereof, a public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions; and may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city.

SECTION 24. Sections 2 and 3 of chapter 7 laws of 1878; section 3 of chapter 328 laws of 1882; sections 1 and 2 of chapter 521 laws of 1887; section 2 of chapter 111 laws of 1897; and section 11a of chapter 111 laws of 1897, created by chapter 135 laws of 1905 are consolidated and renumbered to be section 43.36, and revised to read:

43.36 BOARD OF TRUSTEES, CONSTITUTION. (1) Each such institution shall be administered by a separate board of nine trustees, consisting of the president of the school board and the city superintendent of schools as ex officio members, and seven additional appointive members who shall be appointed by the mayor on the third Tuesday in April. Three of said appointive members shall be selected from among the aldermen holding a four-year term, and shall serve as such trustees during their aldermanic terms. The other four shall be selected from among the residents and taxpayers of the city, for original terms of one, two, three and four years, respectively, from the third Tuesday in May next after their appointment, and for successive terms of four years each.

(2) Said trustees shall take the official oath, and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to aldermen in such city. They shall not receive any compensation for their services as such trustees; and shall not individually become or cause themselves to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the institution in their charge, or of fuel, furniture, stationery or other things necessary for the increase and maintenance thereof.

SECTION 25. Sections 4 and 5 of chapter 7 laws of 1878; sections 4 and 5 of chapter 328 laws of 1882; and sections 3 and 4 of

chapter 111 laws of 1897, are consolidated and renumbered to be section 43.37, and revised to read:

**43.37 BOARD OF TRUSTEES; ORGANIZATION, ANNUAL MEETING AND GENERAL FUNCTIONS.** (1) The annual meeting of the board of trustees of the public library shall be held on the second Monday of May, and of the public museum on the third Tuesday of May, in each year, at which meeting a president shall be chosen annually from their number.

(2) Each board shall have general care, control and supervision of the institution in its charge, its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to the institutional funds, respectively. The trustees of the public library shall have charge of the selection and purchase of books, pamphlets, maps, and other matters pertaining to the library; and the trustees of the public museum shall have charge of the receipt, selection, arrangement and disposition of the specimens and objects pertaining to such museum. Each said board shall prescribe regulations for the management, care, and use of the institution, and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations.

**SECTION 26.** Section 6 of chapter 7 laws of 1878, as amended by chapter 152 laws of 1879; section 7 of chapter 7 laws of 1878; sections 6 and 7 of chapter 328 laws of 1882; sections 5 and 6 of chapter 111 laws of 1897; and section 1 of chapter 433 laws of 1887 are consolidated and renumbered to be section 43.38, and revised to read:

**43.38 LIBRARIAN, DIRECTOR AND EMPLOYEES; CURATORS.** (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by his board of trustees and shall be ex officio secretary of his board.

(2) The board shall appoint and fix the compensation of such assistants and employes for the institution as they deem necessary and expedient.

(3) The board of the public museum may appoint an acting director whenever, in their discretion, the service of the museum

shall require it, who shall also be ex officio acting secretary of the board and whose acts as such shall receive full credit.

(4) The board of the public museum may, from time to time, appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation.

SECTION 27. Section 9 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879, and chapter 60, laws of 1882; the first paragraph of section 1 of chapter 50, laws of 1907, as amended by chapter 109, laws of 1911; section 9 of chapter 328, laws of 1882; section 1 of chapter 168, laws of 1897, as amended by chapter 93, laws of 1911; section 8 of chapter 111, laws of 1897; as amended by chapter 135, laws of 1905 and chapter 94, laws of 1911; and section 11 of chapter 111, laws of 1897, are consolidated and renumbered to be section 43.39, and revised to read:

43.39 MILL TAX; INSTITUTIONAL FUNDS; EXPENDITURES. (1) Annually, at the next regular meeting of the board of trustees after the confirmation of the assessment roll by the common council of such city, the board of each such institution shall determine and certify to the common council and to the city comptroller a mill tax not exceeding the rate prescribed for such institution in section 65.08, and such taxes shall be levied and collected as other city taxes are levied and collected, and the entire amount thereof paid into and held in the city treasury in separate and distinct funds designated respectively, as the "public library fund" and "public museum fund".

(2) Such funds shall not be used or appropriated, directly or indirectly, for any purpose other than the maintenance and increase, payment of the salaries of the librarian or custodian and employes, purchase of fuel, supplies, furniture and fixtures, or incidental repairs of said institutions, respectively.

SECTION 28. Section 11 of chapter 7, laws of 1878; section 11 of chapter 328, laws of 1882; and section 10 of chapter 111, laws of 1897, are consolidated and renumbered to be subsection (3) of section 43.39, and revised to read:

(43.39) (3) All moneys received or raised for the purposes of said institutions shall be paid over to the city treasurer and credited to said funds, respectively. Each board of trustees shall pro-

vide for all necessary expenditures from each said fund, respectively, and all disbursements therefrom shall be made on orders of the president and secretary of the board, countersigned by the city comptroller; but, except as expressly provided otherwise, the board shall not in any one year expend or incur any liability for any sum in excess of the amount levied for each such fund for that year pursuant to subsection (1).

SECTION 29. Sections 12 and 13 of chapter 7, laws of 1878; section 4 of chapter 152, laws of 1879; and section 12 of chapter 328, laws of 1882, are consolidated and renumbered to be section 43.40, and revised to read:

#### 43.40 DONATIONS AND MISCELLANEOUS RECEIPTS.

(1) All moneys, books, specimens and other property received by devise, bequest or gift for the purposes of said institutions shall, unless otherwise directed by the donor, be under the management and control of the board of trustees of each institution, respectively.

(2) All moneys derived from penalties for violations of the regulations of said institutions, or from any other source in the course of the administration thereof, including all moneys paid to the city upon any policy of insurance or other obligation or liability for or on account of loss or damage to property pertaining to the institutions, shall be credited to said institutional funds, respectively, and may be expended in the manner prescribed in subsection (3) of section 43.39, in addition to the annual tax.

SECTION 30. Section 10 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879; the second paragraph of section 1 of chapter 50, laws of 1907; as amended by chapter 109, laws of 1911; section 10 of chapter 328, laws of 1882; section 9 of chapter 111, laws of 1897; section 1 of chapter 41, laws of 1895; and section 12 of chapter 111, laws of 1897, as amended by chapter 135, laws of 1905, and chapter 430, laws of 1911, are consolidated and renumbered to be section 43.41, and revised to read:

43.41 SITE, BUILDINGS AND EQUIPMENT. (1) The board of trustees of each such institution shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair such buildings, rooms and furniture; but shall not erect, purchase, lease, or enlarge any building or lot without express authority of an ordinance or resolution of the common council. All deeds of conveyance and leases shall run to the city.

(2) The board of the public museum may enter into such agreements as it may deem wise with the board of the public library for the use and occupation by such public library of such portion of any building erected for the purposes of said museum, upon such terms and for such time as may be agreed upon. Such agreement shall contain a provision for reasonable compensation to be paid for such use and occupation, which shall be paid into and credited to the museum fund.

SECTION 31. Section 8 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879; section 8 of chapter 328, laws of 1882; and section 7 of chapter 111, laws of 1897, are consolidated and renumbered to be section 43.42, and revised to read:

43.42 ACCOUNTABILITY; REPORTS. (1) Within ten days after the appointment of a librarian or custodian or other salaried employes, the board of trustees of each such institution shall report to and file with the city comptroller a certified list of the persons so appointed, stating the salary allowed to each and the time or times fixed for the payment thereof.

(2) Immediately after any meeting of the board at which accounts and bills are allowed, the board shall furnish such comptroller with a list of all accounts and bills allowed at said meeting, stating the character of the materials or services for which the same were rendered.

(3) On or before the first day of October in each year, each such board, respectively, shall make a report to the common council, for the year ending with the thirty-first day of August next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museums, and such other information and suggestions as they may deem important, including also an account of the moneys credited to the institutional fund, and the expenditures therefrom during the year.

SECTION 32. Section 43.35 is renumbered to be section 43.43, and revised to read:

43.43 ART MUSEUMS. Any city of the first class may establish, purchase land and erect buildings for, and equip, manage and control an art museum or museums; or enter into a contract with any art museum or art institute located in said city for the education of the people thereof in art, for such compensation as shall be determined by the common council of such city. Any such

city may levy taxes, issue bonds, or appropriate money for said purposes.

#### AUDITORIUMS AND MUSIC HALLS IN CITIES OF THE FIRST CLASS.

SECTION 33. Sections 1, 2, 3, and 4 of chapter 426, laws of 1905; all that part of section 10 of said act commencing with the words "provided however," section 8 of chapter 426, laws of 1905, as amended by chapter 354, laws of 1909, and chapter 99, laws of 1911; subsection 2 of section 5 of chapter 426, laws of 1905 as amended by chapter 342, laws of 1919; and section 3 of chapter 354, laws of 1909, are consolidated and renumbered to be section 43.44 and revised to read:

43.44 ESTABLISHMENT AND MAINTENANCE. (1) Any city of the first class may establish and maintain public auditoriums and music halls; and may establish, maintain and operate the same jointly, share and share alike, by agreement between the common council of such city and any private corporation duly organized for that purpose.

(2) Such private corporation shall execute to the city a bond, in a sum determined and with sureties approved by said common council, conditioned that the said corporation will furnish its share of money as the same shall be required for the purposes specified in subsection (1).

(3) Said city may acquire all the stock of such corporation and become the sole owner of said auditorium and music halls; and any stockholder may transfer his stock to the city by sale, gift or otherwise. If the city shall be unable to agree with the holder upon the purchase price of any such stock, the city may purchase the same at a price to be determined by a board of arbitration consisting of three persons, one to be chosen by the common council, the second by the owner of such stock, and the third to be chosen by the aforesaid two, and the determination of said board shall be final and conclusive upon the parties.

(4) Whenever such city shall have acquired any of the stock of such corporation, the common council shall elect one of its members or the mayor to represent the city at all meetings of the stockholders of the corporation, and shall be entitled to vote said stock; and all notices of such meetings shall be given to said mayor or member of the council in the manner such notices are given to any other stockholder.

(5) Whenever the city shall have acquired all the stock of such corporation, the said corporation shall ipso facto be dissolved and the title to all its property of whatsoever nature, shall vest in said city; thereupon the auditorium board provided for in section 43.45 shall consist of only the ex officio members specified in said section.

(6) Any such city may, for the purposes specified in this section, levy a mill tax not exceeding the rate prescribed therefor in section 65.08, or issue bonds for said purposes and provide for payment of the same with interest by such a tax; and the proceeds thereof shall be paid into the city treasury and credited to a separate fund, which shall be designated as the "auditorium fund".

SECTION 34. Section 2 of chapter 354, laws of 1909, is repealed.

SECTION 35. Subsection 1 of section 5 of chapter 426 laws of 1905, as amended by chapter 342 laws of 1919; and section 6 of chapter 426 laws of 1905, as amended by chapter 354 laws of 1909, are consolidated and renumbered to be section 43.45, and revised to read:

43.45 AUDITORIUM BOARD. (1) The building, maintenance and operation of said institution shall be under the full and complete control of a board of eleven members, designated as the "Auditorium Board" and constituted as follows: Five of such members shall be elected by such corporation, from among its stockholders, for first terms of one, two, three, four and five years, respectively, and successive terms of five years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, and the presidents of the boards of trustees, respectively, of the public library and public museum, of said city, ex officio.

(2) Within ten days after the members of said board shall have been elected or appointed as aforesaid they shall hold a meeting and shall elect a president, a vice president, a secretary and a treasurer from their number, who shall hold office until the fourth Tuesday of April of the next following even-numbered year, and shall thereafter be elected biennially on the fourth Tuesday in April of the even-numbered years, for a term of two years. The treasurer shall, immediately upon his election furnish to the board a bond in double the amount of such funds as may come into his hands.

SECTION 36. Section 10 of chapter 426 laws of 1905, from its beginning down to the words "provided however"; and sections 7 and 11 of chapter 426 laws of 1905 are consolidated and renumbered to be section 43.46, and revised to read:

43.46 PROPERTY AND FINANCE. (1) The title to all property acquired for the purposes of said institution shall be in the name of said city, and shall be held by said city perpetually for such purposes.

(2) Before incurring any liability, the auditorium board shall by resolution determine the amount of money necessary for the purposes of said institution; and thereupon said corporation shall pay into the auditorium fund one-half thereof, in such instalments as may be required and agreed upon. All receipts on account of said institution shall be paid into, and all expenditures defrayed from the auditorium fund.

(3) If said institution shall at any time become profit earning, over and above the expenses of maintenance, repairs, insurance and other expenses connected with the operation thereof, one-half of the net profits shall be paid over to said corporation, and the other half paid into the city treasury and credited to the school fund.

SECTION 37. Section 1 of chapter 354 laws of 1909; section 9 of chapter 426 laws of 1905, as amended by chapter 354 laws of 1909; and sections 959—81r and 959—81s of the statutes are consolidated and renumbered to be section 43.47, and revised to read:

43.47 OPERATION. (1) The auditorium board shall regulate and control the use of said institution, and fix the terms and conditions of its use; and shall do all things necessary for the maintenance and operation thereof.

(2) Said institution shall be used primarily for public meetings, conventions, expositions, and other purposes of a public nature, which are hereby declared to be public purposes; but not for exhibits or trade shows if a charge is made for space occupied by any exhibitor or when an admission fee is exacted.

(3) When not in use for any of said primary purposes, the board may rent said institution, or any part thereof, on such terms and for such purposes as in its discretion may be deemed advisable and not inconsistent with said primary purposes.

(4) (a) The word "convention" when used in this subsection means a county, state or national assembly of duly authorized,

chosen or elected delegates or representatives meeting to accomplish some specific commercial, industrial, labor, civil, social, scientific or educational object.

(b) The term "patriotic affairs" in this subsection means affairs given for the encouragement and support of the government in time of war, or for the benefit and support of soldiers, sailors or marines who have been, or are in the service of the United States, including memorial exercises, exhibitions, fairs, reunions, entertainments, or barracks for such men, and to all of which affairs the public is admitted without charge.

(c) When not in use for any of its primary purposes, the common council of said city may authorize the gratuitous use of said institution, or any part thereof, for the purposes of conventions, or for offices, class rooms, studios, gymnasiums, lodge rooms, or accommodations for any industrial, commercial, scientific, educational, fraternal, musical, or labor organization which in its opinion will prove a public benefit to the city and promote the welfare and public interests of its citizens and to which said citizens are admitted without charge; and said purposes are hereby declared to be public purposes.

(d) For the use of said institutions as specified in this subsection the common council may appropriate to the auditorium fund such rental as shall be determined by the auditorium board; but the common council shall, by resolution, determine the aggregate amount which shall be appropriated therefor in any one year, and the particular conventions and purposes for which said institution shall be so used.

SECTION 38. Section 12 of chapter 426 laws of 1905 is renumbered to be section 43.48, and revised to read:

43.48 ANNUAL REPORT. The auditorium board shall report annually to the common council all receipts into and disbursements from the auditorium fund, and the balance on hand.

#### CIVIC CENTRES.

SECTION 39. Section 937d of the statutes is renumbered to be subsection (1) of section 43.49 and is revised to read:

43.49 PUBLIC BUILDINGS. (1) RECREATION AND AMUSEMENT. Any village or city may by ordinance, adopted by a majority of all the members of the board or council, provide for the erection, maintenance and operation of a public auditorium, opera house, or other recreation and amusement building. The erection

and contracts therefor shall be governed by the provisions of law applicable to other public buildings therein. The board or council shall adopt regulations for maintenance and operation.

SECTION 39a. Section 937e of the statutes is renumbered to be subsection (2) of section 43.49 and is revised to read:

(43.49) (2) REST ROOMS. Any city may erect, purchase, lease, or take by gift or devise, land and buildings for public rest rooms, and may equip, maintain and operate the same.

SECTION 39b. Section 937f of the statutes is renumbered to be subsection (3) of section 43.49 and is amended to read:

(43.49) (3) COMFORT STATIONS. \* \* \* Every \* \* \* village and city shall provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes. \* \* \* The state board of health shall establish \* \* \* regulations governing \* \* \* their location, construction, equipment and maintenance \* \* \* and may prescribe minimum standards that shall be uniform throughout the state. *The board or council may establish further regulations.* \* \* \*

SECTION 39c. Section 959—117 of the statutes is renumbered to be subsection (4) of section 43.49 and is amended to read:

(43.49) (4) PUBLIC CONCERTS. \* \* \* Any town, \* \* \* village or \* \* \* city \* \* \* may conduct public concerts in auditoriums and such other public places within its boundaries as the \* \* \* board or council \* \* \* shall determine. Such concerts shall be conducted by the \* \* \* department having charge of such place and the expenses thereof above receipts, if any, shall be paid out of such fund as the \* \* \* board or council, \* \* \* shall determine. A fee to said concerts may be charged for the purpose of defraying the expenses thereof in whole or in part.

SECTION 40. Section 40.69 is renumbered to be section 43.50, and amended to read:

43.50 USE OF SCHOOL BUILDINGS AND GROUNDS FOR CIVIC PURPOSES. (1) Boards of school directors in cities of the first, second or third class \* \* \* may, on their own initiative, and shall, upon petition as provided in subsection (2), establish and maintain for children and adult persons, in the school buildings and on the school grounds under the custody and management of such boards, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommo-

datations to be determined by such boards, without charge to the residents of such cities; \* \* \* *and may co-operate, by agreement, with other commissioners or boards having the custody and management in such cities of public parks, libraries, museums and public buildings and grounds of whatever sort, \* \* \* to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities \* \* \* in and upon such other buildings and \* \* \* grounds \* \* \**.

(2) \* \* \* *Upon the filing of a petition \* \* \* with the city clerk, signed by not less than ten per cent of the number of voters voting at the last school or other election in such city, the question of exercising the powers granted for any of the purposes specified in subsection (1) shall be submitted to the electors of the school district at the next election of any sort held therein, and if a majority of the votes cast upon such \* \* \* question shall be in \* \* \* the affirmative, the board of school directors shall \* \* \* exercise said powers in accordance with said petition, pursuant to this section.*

(3) \* \* \* *The board shall report to the common council \* \* \* at or before \* \* \* its first meeting \* \* \* in September of each year, the amount of money required \* \* \* during the next fiscal year for the support of \* \* \* such activities \* \* \* and thereupon, subject to the provisions of subsection (5), the common council \* \* \* shall levy and collect a special tax \* \* \* in the \* \* \* manner \* \* \* that other taxes are levied and collected, \* \* \* equal to the amount of money so required \* \* \*; but said tax shall not in any one year exceed \* \* \* the maximum mill tax rate prescribed for the school extension fund in section 65.08, for all the activities conducted in said city pursuant to this section, and \* \* \* said tax shall not be used or appropriated, directly or indirectly, for any other purpose. \* \* \**

(4) *All moneys received by or raised in such city for the \* \* \* purposes mentioned in this section shall be paid over to the city treasurer, to be disbursed by him, \* \* \* in the \* \* \* manner that other funds at the disposal of such board of school directors in such city are disbursed. \* \* \**

(5) \* \* \* *The tax provided for in \* \* \* subsection (3) shall not be levied or collected \* \* \* until after the question of the levy and collection of such tax shall have been sub-*

mitted to the qualified school electors of such city *pursuant to law*, at some regular or special election, and shall have been favorably voted \* \* \* by a majority of those voting upon such question at such election. \* \* \* *After a favorable vote on such question, as provided above*, such tax shall be levied and collected annually until \* \* \* the voters of the school district of such city shall, by majority vote, order the discontinuance \* \* \* *thereof*. The question of \* \* \* *such* discontinuance \* \* \* shall be submitted \* \* \* in the \* \* \* manner \* \* \* *the question of authorizing the levy and collection of the said tax is required by law to be submitted*.

(6) The board \* \* \* *may* receive and expend for the purposes of this section any sums of money appropriated \* \* \* by the common council of such city for such purposes, and the common council \* \* \* *may* appropriate *from the general fund* \* \* \* *to said board* such sums of money \* \* \* *as said council may deem expedient* for the purposes \* \* \* *of this section*.

SECTION 41. Subsection 1 of section 937—1 of the statutes is renumbered to be paragraph (a) of subsection (1) of section 43.51 and amended to read:

#### COMMUNITY CENTRES.

43.51 COMMUNITY CENTRES. (1) ORGANIZATION. (a) \* \* \* A community centre may be created \* \* \* in any tract of contiguous territory containing either an area of not less than sixteen square miles, or a population of at least five hundred inhabitants, \* \* \* *and* bounded by town, school district, section, quarter section or ward lines, or streams, lakes, swamps or similar natural boundaries *and no part of which is included in any other community centre*. \* \* \*

SECTION 41a. Subsection 2 of section 937—1 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 43.51 and is revised to read:

(43.51) (1) (b) A petition for referendum on establishing a community centre may be presented to the chief executive of the town, village or city in which the proposed tract or the larger part thereof lies. The petition shall designate the boundaries and a proposed name, and shall be signed by not less than one-fourth of the persons resident in the tract and qualified to vote at a school district meeting.

SECTION 41b. Subsection (3) of section 937—1, except the last sentence and the first sentence of subsection (4) of section 937—1 of the statutes are consolidated, renumbered to be paragraph (c) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (c) Within five days of the receiving of the petition, the executive shall fix a time and place for the referendum, unless the tract lies in more than one municipality, in which event the executive shall call a meeting with the chief executive of all the municipalities to be held within ten days of the presenting of the petition. The executives at such meeting shall fix such time and place. If any executive is unable to attend he shall designate some other officer to attend and act in his place. The referendum shall be held not more than sixty days after presentation of the petition, and the clerk of the municipality in which it is held shall give at least ten days' notice thereof, by posting in at least six different public places in the tract or by publication in a newspaper published therein, once a week for two weeks immediately prior to the time set for the referendum.

SECTION 41c. The last sentence of subsection (3) of section 937—1, the last sentence of subsection (4) of section 937—1, and the first two sentences of subsection (1) of section 937—2 are consolidated, renumbered to be paragraph (d) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (d) The referendum shall be conducted by the election officials of the municipality in which it is held, and in the manner provided for town meetings, including qualification of electors. The vote shall be by ballot with separate boxes for each municipality. The ballot may be written or printed in any manner plainly showing the intent.

SECTION 41d. The last two sentences of subsection (1) of section 937—2 and section 937—12 of the statutes are consolidated, renumbered to be paragraph (e) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (e) If a majority of the electors from each municipality voting are in favor of a community centre, the result shall be certified within six days to the clerk of each municipality, and to the county clerk and by him to the secretary of state, each of whom shall file such certificate, and thereupon, from the date of such election such tract shall constitute a public corporation of the name designated in the petition. The inclusion of all or a part of the territory of a community centre in a newly incor-

porated village or city shall not affect the community centre corporation.

SECTION 41e. Subsection (2) of section 937—2 of the statutes is renumbered to be paragraph (f) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (f) The expenses of the referendum shall be paid by the municipality to whose chief executive the petition is presented, which municipality shall be reimbursed by the community centre, if organized, and proportionately by the other municipalities, on the basis of the assessed valuation, if the community centre is defeated.

SECTION 41f. Subsection 1 of section 937—3 of the statutes is renumbered to be paragraph (a) of subsection (2) of section 43.51 and amended to read:

(43.51) (2) OFFICERS. (a) \* \* \* The officers of \* \* \* a community centre shall be a director, treasurer, and clerk, \* \* \* *who shall have* the usual powers and duties of such officers, \* \* \* constitute the community board, and \* \* \* conduct and manage its affairs and have power, subject to change by any succeeding centre meeting, to \* \* \* change the name of the community centre.

SECTION 41g. Subsection 2 of section 937—3 of the statutes is renumbered to be paragraph (b) of subsection (2) of section 43.51 and amended to read:

(43.51) (2) (b) \* \* \* The term of \* \* \* office shall be three years, beginning with the annual \* \* \* meeting. \* \* \* At the first *annual* \* \* \* meeting the clerk shall be chosen for one year, the treasurer for two years, and the director for three years. Temporary officers may be chosen at the *referendum* \* \* \* by a separate ballot box \* \* \* and a plurality vote. \* \* \* *Every officer shall hold until his successor is chosen.*

SECTION 41h. Section 937—10 is renumbered to be paragraph (c) of subsection (2) of section 43.51.

SECTION 41i. Subsection 1 of section 937—4 and sections 937—6 and 937—8 of the statutes are consolidated, renumbered to be paragraph (a) of subsection (3) of section 43.51 and revised to read:

(43.51) (3) ANNUAL MEETING. (a) The annual community centre meeting shall be held on the second Monday in March,

or if that be a legal holiday, on the day following, and in the community house or some building designated by the board and specified in the notice. Each resident person qualified to vote at a school district meeting shall be a voter of the community centre. The clerk shall give at least six days' previous notice of the annual meeting by posting notices therefor in six or more public places in the district, one of which shall be affixed to the outer door of the community house, and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month.

SECTION 41j. Subsection (2) of section 937—4 of the statutes is renumbered to be paragraph (b) of subsection (3) of section 43.51 and amended to read:

(43.51) (3) (b) \* \* \* The election of officers shall be by ballot conducted publicly by the *board*. \* \* \* The polls shall be opened at one o'clock \* \* \* and \* \* \* close \* \* \* at eight o'clock *in the afternoon*. \* \* \* The ballots shall *then* be publicly counted and the result announced and recorded, \* \* \* *whereupon the other business of the meeting shall be transacted*. \* \* \*

SECTION 41k. Section 937—7 of the statutes is renumbered to be subsection (4) SPECIAL MEETING of section 43.51.

SECTION 41L. Section 937—9 of the statutes is renumbered to be subsection (5) of section 43.51 and is amended to read:

(43.51) (5) POWERS. \* \* \* The *annual* community centre meeting \* \* \* shall have power:

(a) \* \* \* To appoint a chairman and clerk pro tem to act in the absence of either, *and* \* \* \* to adjourn from time to time. \* \* \*

(b) \* \* \* To vote *a* \* \* \* tax, not to exceed nine mills on each dollar of the assessed valuation of all the taxable property within the district for the year in which \* \* \* the tax is levied. \* \* \*

(c) *To purchase or lease a suitable site, and to build, hire or purchase a community house, and to equip and maintain the same, and to provide for such meetings and proceedings therein as shall be directed.*

(d) \* \* \* To authorize the community centre board to borrow money for any of its lawful purposes.

SECTION 41m. Section 937—5 of the statutes is renumbered to be subsection (6) ANNUAL REPORT of section 43.51.

SECTION 41n. Section 937—11 of the statutes is renumbered to be subsection (7) LEVY BY BOARD of section 43.51.

SECTION 41o. Section 937—13 of the statutes is renumbered to be subsection (8) COLLECTION AND PAYMENT of section 43.51 and is amended by striking therefrom the words and figures “sections 937—1 to 937—14, inclusive” and by inserting the words “this section” in place thereof.

SECTION 41p. Section 937—14 of the statutes is renumbered to be subsection (9) COMMUNITY HOUSE of section 43.51 and is amended by changing the first word of the section, namely “Such” to the word “The”.

SECTION 41q. Subsection 1 of section 937—15 of the statutes is renumbered to be paragraph (a) of subsection (10) of section 43.51 and amended to read:

(43.51) (10) DISSOLUTION. (a) \* \* \* A \* \* \* community centre \* \* \* may be dissolved by vote of a \* \* \* majority of the *electors thereof* \* \* \* at any annual meeting \* \* \* more than four years after *organization*. \* \* \* Petition \* \* \* *for vote on dissolution* signed by at least two-fifths of the community centre electors *must be filed with the clerk and notice thereof included in the notice of annual meeting*. *The dissolution vote shall be by ballot* \* \* \* during the hours when the polls are open.

SECTION 41r. Subsection 2 of section 937—15 of the statutes is renumbered to be paragraphs (b) and (c) of subsection (10) of section 43.51 and amended to read:

(43.51) (10) (b) *The dissolution shall be certified and recorded as provided in paragraph (e) of subsection (1) of this section for certifying organization.*

(c) \* \* \* After \* \* \* vote of dissolution, the property \* \* \* shall be disposed of \* \* \* and the proceeds applied to the discharge of \* \* \* debts, and the *surplus*, \* \* \* if any, *shall be paid over to the treasurers of the different municipalities \* \* \* within which the community centre lay, apportioned according to the assessed \* \* \* valuation of the property in the community centre located in each municipality.* \* \* \*

SECTION 42. Nothing contained in sections 43.25 to 43.42, inclusive, shall be construed as terminating the term of office of any present member of any governing board of any existing public library or museum, or of any appointee or employe thereof. Each

member of such governing board shall continue in office until his existing term expires, when a successor shall be appointed for a full term as provided in section 43.26, or in section 43.36. If by the appointment of such succeeding member, the number of members of such board would become larger than provided for in section 43.26, no such appointment shall be made.

SECTION 43. Chapters 7 laws of 1878; 152 laws of 1879; 60, 328 and 329 laws of 1882; 433 and 521 laws of 1887; 41 laws of 1895; 111 and 168 laws of 1897; 135 and 426 laws of 1905; 50 laws of 1907; 354 laws of 1909; 93, 94, 99, 109 and 430 laws of 1911; 296 laws of 1913; 196 laws of 1917; and 342 laws of 1919, so far as they are inconsistent with this act, are hereby repealed.

SECTION 43a. Nothing in sections 23 to 43, inclusive, of this act, shall be construed to change or amend the original organic and charter powers, nor affect the property of the various boards and commissions herein referred to, except to continue said boards and commissions as heretofore provided herein.

SECTION 44. This act shall take effect upon passage and publication.

Approved June 23, 1921.

No. 253, A.]

[Published July 5, 1921.

## CHAPTER 453.

AN ACT to create paragraph (g) of subsection (11) of section 20.38 of the statutes, relating to the building of a new east wing to the main building at the Whitewater normal school, and making an appropriation.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new paragraph is added to subsection (11) of section 20.38 of the statutes to read: (20.38) (11) (g) On July 1, 1921, fifty thousand dollars; and on July 1, 1922, two hundred thousand dollars for the building and equipment of a new east wing to the main building.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.