

CHAPTER 43.

LIBRARIES, MUSEUMS, CIVIC AND COMMUNITY CENTRES, AND SPECIAL USES OF MUNICIPAL BUILDINGS.

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43.01 State library; trustees. The justices of the supreme court and the attorney-general shall be ex officio trustees of the state library, and shall have full power to make and enforce, by suitable penalties, such rules and regulations for the custody, superintendence, care and preservation of the books and other property contained in said library, and for the arrangement thereof as to said trustees shall seem necessary and proper.

43.015 Differences with publishers of Wisconsin reports. The trustees of the state library may compromise the differences between the state and the publishers of the Wisconsin reports of the decisions of the supreme court as to the rights and duties of such publishers after the limitations for publishing such reports under their contracts have expired and may acquire for the state any stereotyped plates from which such reports are printed as they may deem advisable to acquire.

43.02 State law librarian, assistant and clerical force. The board of trustees shall appoint a librarian, who shall serve under such conditions as shall be fixed by said board. He shall execute and file an official bond with good and sufficient surety in the sum of ten thousand dollars to be approved by the trustees. Said board may also engage an assistant librarian and such clerical and expert assistance as shall be requisite in the proper care and maintenance of the library. The president of the board shall certify its appointments hereunder to the secretary of state, with amount of salary and the date of the commencement of the service of each appointee, and shall also notify him of the termination of such service. [1931 c. 470 s. 2]

43.03 Rules and regulations. It shall be the duty of said trustees to provide by rules and regulations:

(1) That said library shall be kept open every day during the sessions of the supreme court and of the legislature, and on such other days and during such hours as they may direct, except Sundays.

(2) That books may be borrowed therefrom, under proper restrictions, by any state officer or member or officer of the legislature during the session thereof, or by any judge of the United States, upon written request, when holding court at Madison; but that no member of the legislature or officer thereof shall take more than five books at one time nor retain the same for more than five days, and that no book shall be taken out of the city of Madison.

(3) That attorneys and others shall be permitted to use, under proper restrictions, any books within said library.

(4) Such fines, penalties and forfeitures for any violation of the rules and regulations established by them for the management of said library and for the care and preservation of the books therein as to them shall seem necessary, and all such fines, penalties and forfeitures shall be sued for and collected before any court having jurisdiction of such action.

43.04 Catalogue. The trustees may, whenever they deem it necessary, direct the catalogue of said library or any part thereof to be printed.

43.05 Duty of librarian. It shall be the duty of the librarian:

(1) To give his personal attention at the library during the hours it shall be directed to be kept open.

(2) To keep an account of all books or pamphlets added to the library by purchase or otherwise, and of all lost, destroyed, worn out or sold during his term, specifying dates, cost and values, and other material facts.

(3) To keep a full and accurate catalogue of the library, noting all changes at the time when made; and whenever directed by the trustees, to cause the same to be properly printed.

(4) To keep a true account of every book or pamphlet taken from the library, charging the same to the proper officer, with proper date and name of the person to whom delivered.

(5) To report to the presiding officer of each house, five days before the adjournment of each session of the legislature, the number of books taken out of the library by the members of each house and not returned, giving titles of books, dates of taking, and names of members to whom charged. All such books shall be immediately returned.

(6) To sue for every fine, penalty or forfeiture incurred by violation of the rules and regulations prescribed by the trustees.

(7) To forward to the library of congress one copy of the supreme court reports and two copies of the legislative journals, laws and public documents published by authority of the state, and one copy of each of such publications and of the blue book to the several states and territories which practice like comity with this state, as soon as the same are received from the superintendent of public property. He may also effect exchanges of the statutes, laws and documents of this state with the libraries of foreign governments. His account for the expenses of transporting books sent or received by exchange or purchase, to be fixed by the secretary of state, shall be paid out of the state treasury, and charged to the proper appropriation for the law library.

(8) To perform all other duties prescribed by the trustees or by their rules and regulations or imposed by law.

(9) Said librarian shall also cause to be installed and maintained in said library, in the most scientific and improved manner, a card index and catalogue of the books and material therein contained. The assistants necessary to carry out the purpose of this section shall be appointed in the manner provided by section 43.02. Said librarian may attend the annual conferences of the American Association of Law Libraries for the purpose of studying modern methods of law library administration.

(10) Subject to the approval of the trustees the librarian may sell or exchange duplicate books and pamphlets contained in the library.

43.06 Books to be delivered to. The acts of congress received from the general government shall be deposited in the state library and be distributed as the trustees shall direct. Every officer of the state who shall receive any volume of the laws, journals, reports or other documents of any other state or territory or of the United States, or any of the officers thereof, for the use of this state, shall immediately deliver the same to the state librarian for the state library.

43.07 Revisor of the statutes. (1) **APPOINTMENT; EXEMPT FROM CIVIL SERVICE.** Upon the passage of this act, and thereafter on or after the third Wednesday in January of each year in which the legislature shall meet in regular session, the trustees of the state library shall appoint a revisor of the statutes, to be known as "Revisor." The revisor so appointed shall not be subject to the provisions of chapter 16.

(2) **REMOVAL.** The revisor and his assistants shall be subject to removal at any time by the trustees, for any cause deemed sufficient by them, and upon any such removal they may appoint a successor to such revisor or assistant.

(3) **TERM.** Such revisor shall hold office for the term of two years and until his successor shall have been appointed and qualified.

(4) **ASSISTANTS.** Subject to the approval of the trustees of the state library he shall appoint such assistants, clerks and stenographers as may be necessary.

(5) OFFICES, SUPPLIES, ETC. The revisor shall be provided by the director of purchases with suitable room or rooms convenient to the state library, necessary office furniture, supplies, stationery, books, periodicals and postage, and in the use of the state library he shall be subject to the general control of the trustees and the librarian. [1931 c. 45 s. 1]

43.08 Duties of revisor. (1) It shall be the duty of the revisor to formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws, and between and during sessions of the legislature to prepare and at the beginning of each session of the legislature to present to the judiciary committee of the senate, in such bill or bills as may be thought best, such consolidation, revision and other matter relating to the statutes or any portion thereof as can be completed from time to time.

(2) The revisor of statutes is authorized to renumber any chapter or section of the statutes for the purpose of revision, and to change reference numbers to agree with any renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor may change the same by inserting the proper section or chapter reference.

(3) Where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, the revisor, in printing the statutes, may substitute the actual effective date for the various forms of expression which mean that date—such as "when this act (or chapter, or section) takes effect," or "after (or before) the effective date of this act (or chapter, or section)." [1931 c. 67 s. 150; 1941 c. 173; 1943 c. 169]

Cross Reference: For construction of a revised statute, see 370.01 (49), created by 1941 c. 298.

Note: In construing a revision of statutes by enactment of a bill proposed by the revisor, the revised matter should be given the same effect that it originally had unless there is a clearly expressed intention to work a change in the substantive law; hence, when enactment of a revisor's bill leaves a statute ambiguous, full force should be given to the idea that as no change in the law was intended no change was effected. But an unambiguous provision of such an act that (10) of 98.12, Stats. 1929, is repealed, repealed it, notwithstanding the revisor's note to the bill erroneously assumed that such subsection was obsolete because already repealed, and although such notes are treated as of much importance in ascertaining the legislative intent. *Kugler v. Milwaukee*, 208 W 251, 242 NW 481.

Revisors in incorporating provision exempting insurance money on homestead with that exempting insurance money on personal property thus making insurance money not exempt on a debt for purchase price of homestead, held not shown to be result of mistake so as to make insurance money on a burned homestead exempt from garnishment upon a debt for the purchase price. *Cavadini v. Larson*, 211 W 200, 248 NW 209.

When revisor through mistake as to existing law recommends repeal of statute, and legislature repeals it pursuant to recommendation, repealing act must be given effect according to its terms. *Cavadini v. Larson*, 211 W 200, 248 NW 209.

A revisor's bill will not be construed as effecting a change in the meaning of the statutes revised unless the language used is so clear and explicit as not to be subject to

interpretation. *Wisconsin P. & L. Co. v. Beloit*, 215 W 439, 254 NW 119.

In cases of ambiguity arising from the enactment of a revisor's bill, it will be presumed that there was no intention to work any radical change in the law. *Muldowney v. McCoy Hotel Co.*, 223 W 62, 269 NW 655.

It is a rule of statutory interpretation that the court will presume that in the enactment of a revisor's bill there was no intention to change the meaning of the statutes revised. The bill will not be construed as effecting a change in meaning unless the language used is so clear as not to be subject to interpretation. *London Guarantee & Acc. Co. v. Wisconsin Pub. Serv. Corp.*, 228 W 441, 279 NW 76; *Guardian Agency v. Guardian Mut. Sav. Bank*, 227 W 550, 279 NW 79.

In construing acts which revise or restate the law, the presumption is that no change in substance was intended unless the change in language clearly indicates an intention to change the substance. *Carl Miller Lbr. Co. v. Federal Home D. Co.*, 231 W 509, 286 NW 58.

A revisor's bill does not change the law, unless the language used indicates the intention so clearly and explicitly that there is no room for interpretation. *State ex rel. Harris v. Kindy Optical Co.*, 235 W 498, 292 NW 283.

Revisions of statutes do not change the meaning of the statutes revised, unless the intent to change their meaning necessarily and irresistibly follows from the changed language. Repeals of statutes by implication are not favored. *City of Milwaukee v. Milwaukee County*, 236 W 7, 294 NW 51.

On construction of revisor's bill, see 25 Atty. Gen. 72.

43.09 Free library commission. (1) The governor shall appoint two persons for terms of five years each, who, with the president of the university, the state superintendent and the secretary of state historical society, shall constitute a free library commission. The officers of the commission shall be a chairman to be elected from the members thereof for the term of one year, and a secretary not of its own number, to be appointed by the commission, under such conditions and for such compensation as to it shall seem adequate. Said secretary shall keep a record of the proceedings of the commission, keep accurate accounts of its financial transactions, have charge of its work in organizing new libraries and improving those already established, and in general perform such duties as may from time to time be assigned him by said commission. In addition to his salary he shall be allowed his actual and necessary traveling expenses while absent from his office upon the service of the commission, such expenses, when approved by the chairman or acting chairman, to be certified under oath to the secretary of state in the same manner

as other bills incurred by the commission. Said commission may also engage, from time to time, as desired, such other clerical and expert assistance as shall be requisite in the performance of the work of the commission as set forth in this section.

(2) The commission shall give advice to all free libraries and to all communities which may propose to establish them as to the best means of establishing and administering such libraries, selecting and cataloguing books, and other details of library management, and may send any of its members to aid in organizing such libraries or in the improvement of those established.

(3) It shall establish a department of traveling libraries in charge of an officer especially qualified, and shall purchase books and supplies for traveling libraries and accept gifts for them. Said department of traveling libraries shall also aid in establishing and supervising county systems of traveling libraries. The said commission may also cooperate with other state library commissions and libraries in the publication of documents in order to secure the more economical administration of the work for which it is formed. Said commission shall make a biennial report to the governor. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or in visiting, or establishing libraries, and other necessary incidental expenses connected with their duties, may be audited by the secretary of state when certified by the chairman and secretary of the commission. All payments arising under this section shall be charged to the proper appropriation for the free library commission.

(4) The free library commission is hereby empowered to hold librarians' institutes in the various parts of the state in order to train librarians of public schools and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and instructions as shall make them the greatest good to the greatest number. Said commission shall bind periodicals for traveling libraries, encourage the growth of study clubs in connection with them, train librarians to be better educators, aid more efficiently in the proper organization of new libraries, and aid in building up a better system of popular education for people who have finished their education in the schools. [1939 c. 142]

43.10 [Repealed by 1939 c. 142]

43.105 [Repealed by 1943 c. 275 s. 16]

43.11 **Office, printing, etc.** The commission shall also be allowed the use of suitable offices and equipment in the capitol, and the secretary of state shall audit the duly certified bills of the commission for postage, expressage and telegraphing, and the director of purchases shall audit necessary bills for freight. The state printer, upon the order of the director of purchases, shall print such circulars, labels and blanks and bind such material as may be required. [1931 c. 45 s. 1]

43.12 **To make check list of public documents.** The Wisconsin free library commission is hereby authorized and directed to make an explanatory check list of the several public documents of the state, including all reports, circulars and bulletins issued by the various state departments, boards and commissions, and to publish this list, and supplementary lists as they may be required, in such form and with such notes as to show the scope and purpose of such publication; to assist state officers, members of the legislature and other citizens who are studying the growth and development of the affairs and institutions of this state, also to assist the public libraries in the state, in completing files of such publications and in so arranging them as to be of use to citizens of their several localities. The said free library commission is also directed to prepare and print catalogue cards of said public documents for the card catalogues of the said public libraries, and for the executive and administrative departments of the state.

43.13 **Documents to be delivered.** The state printer is hereby directed promptly to deliver to the secretary of the commission, as printed, three copies of each message, report, journal, legislative bill, bulletin, circular or set of bound public documents of whatever character, printed at the expense of the state.

43.14 **Depositories of public documents.** The secretary of said free library commission is hereby directed to ascertain and report to the director of purchases what public libraries, in the state, containing more than one thousand volumes, including the libraries of normal schools, academies and colleges, can suitably care for and advantageously use, public documents printed by the state. The secretary of said commission shall designate such libraries as depositories of state documents and shall, from time to time, prepare lists of such depositories for the use of the director of purchases. The director of purchases is hereby directed to furnish each library which is designated as a depository of state

documents one set of public documents, as they are published, and also copies of such other reports and documents, printed at the expense of the state, as may be of general interest and supplied to him in sufficient numbers to meet such demand.

43.15 To maintain library in capitol. (1) The said commission is also authorized and directed to maintain in the state capitol, for the use and information of the legislature, the several state departments, and such other citizens as may desire to consult the same, a legislative reference room and a small working library, as complete as may be, of the several public documents of this and other states, and to purchase for said library standard works of use and reference. The said commission may also collect, summarize and index information of a legislative nature relating to legislation of foreign countries, of states of this country, the federal government and municipalities. The said commission may also make such investigations into statute law, legislative and governmental institutions as will aid the legislature to perform its duties in the most efficient and economical manner. The said commission is also hereby authorized and directed to co-operate, during sessions of the legislature, with the secretary and superintendent of the state historical society of Wisconsin, as trustee of the state, with a view to a joint arrangement, by which the needs of the legislature in the matter of general books of reference may be met to the fullest possible extent; and said commission shall give such space within its rooms to books brought to the capitol by said society for such purpose, as may be jointly agreed upon between them. The librarian of the state library and the officers of state departments are hereby authorized to give or loan to the free library commission for the use of the legislative reference room such books and documents as will be useful in that room. The said free library commission is also authorized to give or loan to the state historical society or to the state departments any books and documents except those in current use in the legislative reference room.

(2) The free library commission shall employ, during each legislative session and the two months next preceding each session, draughtsmen and such help as may be necessary for the draughting of bills.

43.16 Additions to library. The said free library commission is also authorized to add to its working library books of permanent value to students, and to loan such books, singly or in traveling libraries, to public libraries, schools, women's clubs, debating societies, university extension circles, or students who are interested in investigating social, political and educational problems, or studying literature, science or art, and to furnish with such traveling libraries suitable outlines for study. It is the purpose of this provision to make possible in small communities by temporary supplies of good books, such serious study of worthy subjects as is not ordinarily possible to persons who have no access to large libraries, and to promote the organization and welfare of associations for serious study.

43.165 Public library certification board. (1) A board known as the "Public Library Certification Board" and hereafter referred to as the "board" is created consisting of five members as follows: Two members to be appointed by the governor and who shall be librarians or full time assistants in public libraries in second, third or fourth class cities of not less than four thousand population; one member who is a trustee of a public library, to be appointed by the governor; one member who is a member of the free library commission staff to be selected by the free library commission; and one member who is a member of the faculty of the University of Wisconsin, not connected with library work, to be elected by the president of the university. Of the members first appointed, one shall serve for one year, one for two years, one for three years, one for four years and one for five years, to be determined by lot, and thereafter each member appointed shall serve for a term of five years, and until his successor is appointed and qualifies. The member selected by the free library commission shall act as secretary of the board. No member shall receive compensation or expenses incurred in the performance of his duties. The board shall issue library certificates as provided in this section.

(2) After January 1, 1923, the board of directors or other governing body of any public library, except in a city of the first class, supported in whole or in part by public funds, shall not employ to fill a vacancy or in any new position created, any librarian or full time assistant who does not hold a library certificate provided for in subsection (4). But any person employed as librarian or full time assistant in a public library on January 1, 1923, may continue in such position without a library certificate.

(3) Application for library certificates under the provisions of this section shall be made in writing to the board and with each application shall be paid to the board a fee of one dollar.

(4) Certificates issued to librarians and assistants in public libraries shall be of the following grades:

(a) Grade one: Requiring three years' college work, a one-year course in an accredited library school, and two years' successful library experience.

(b) Grade two: Requiring one year's college work, a one-year course in an accredited library school, and two years' successful library experience.

(c) Grade three: Requiring high school graduation, a six-weeks' course in an accredited library school, and one year's successful library experience.

(d) Grade four: Requiring high school graduation; and including such additional requirements as shall satisfy the board that the applicant is able to do successful library work in the position to which such library certificate makes such applicant eligible.

(5) Whenever any applicant for a library certificate does not have the academic and library school training prescribed in subsection (4), the board may issue to said applicant a certificate of any grade if it satisfy itself by examination or otherwise that the applicant has attainments substantially the equivalent of such prescribed education and training and that all other conditions are met.

(6) Any person who has served as librarian or full time assistant in any public library in Wisconsin for at least one year at any time prior to January 1, 1923, may be granted a library certificate of any grade without examination, if the board is of the opinion that such person has demonstrated his ability to do successful library work in a library position in which the desired certificate would authorize his employment, but application for such certificate shall be made prior to January 1, 1925.

(7) The board may issue to any person who has the required academic and library training qualifications but lacks the required library experience, a license to engage in certain library work for not to exceed one year. If at the end of the year for which such license is issued, the board is satisfied that said person has done successful library work during said year, it may renew such license for one year in cases where two years' experience is required to qualify for the library certificate desired.

(8) After January 1, 1923, the board of directors or other governing body of any public library in a city of eight thousand population or over, except in a city of the first class, shall not employ to fill a vacancy or in a new position created as librarian in charge of such library any person who does not hold a first grade certificate; and when such public library is located in a city of not less than four thousand and not more than eight thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a second grade certificate. When such public library is located in a city of not less than two thousand and not more than four thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a third grade certificate.

(9) If the board is of the opinion that the board of directors or other governing body of any library in a city of two thousand population or over is unable to secure to be in charge of such library a librarian who holds the requisite certificate, the board may grant to such library board a permit to employ a person without the required certificate for a period of not to exceed six months and such permit, in case of emergency, may be once renewed for a period of six months.

(10) The provisions of subsections (2) and (8) of this section do not apply to any public library maintained wholly or in part at state expense.

43.17 School libraries; 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.

43.18 State superintendent to contract for purchase of books. (1) The state superintendent shall 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 state superintendent shall require a bond from the successful bidder in the penal sum of ten thousand dollars, with good and responsible sureties, approved by him, 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.

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 (4) of section 25.23 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 itemized 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.

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.

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.

43.22 Library administration; librarians' pensions. (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.

(1m) A librarian employed by any school board to take charge of a library in any school under its jurisdiction and whose qualifications as a librarian are at least equal to the minimum librarian qualifications prescribed by the state superintendent of public instruction and who possesses the qualifications required by law for employment as a teacher shall be entitled to the status, rights and privileges of teachers under chapter 42 and shall be considered and deemed a teacher as such term is defined in section 42.20 and subsection (19) of section 38.24. In cities of the first class any school librarian employed by any school board therein at the time this subsection takes effect in any such city and whose qualifications as a librarian at said time are at least equal to the minimum librarian qualifications prescribed by the state superintendent and who, prior to employment as such school librarian by said school board in any such city, shall have had not less than one year of experience in teaching in public schools, or in a responsible library position above the rank of page, shall be entitled to the status, rights and privileges of a regular teacher from and after the beginning of such employment as such school 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 building; 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. [1937 c. 342]

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.

43.24 Rebinding school library books. (2) The state superintendent shall, during the month of January each year make an approved list of firms engaged in bookbinding 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 state superintendent 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.

43.25 Municipal 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.

(3) In its discretion the county board of the county expending money for public library service to its inhabitants may provide in the following manner for the raising and collecting of the money necessary to reimburse the county for the amount so expended. The county clerk of any such county shall make a report to the county board at each annual November meeting, covering the year ending October first preceding, showing in detail the amount and proportion of the money expended by the county for such library service in each town, village, and city. The county board shall thereupon determine the proportionate amount to be raised and paid by each such town, village, and city to reimburse the county for the money so advanced, and thereupon within ten days after such determination the county clerk shall certify to the clerk of and charge to each town, village, and city the amount so advanced. Each such town, city, and village shall levy a tax sufficient to reimburse the county for such advances which shall be collected as other taxes and paid into the county treasury.

(4) Any city, town or village in a county levying a tax for a county library under the provisions of subsection (1) of this section, shall upon written application to the county board of such county be exempted from such tax levy, provided the city, town or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county levy.

(5) The provisions of sections 43.35 to 43.42 so far as they relate to museums are extended to cities of the second, third and fourth class. [1935 c. 90]

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 8 appointive members, in each city of the fourth class of 6 appointive members, and in each village, town or county of 4 appointive members, who shall be citizens of the municipality except that not more than 2 appointive members thereof may be citizens of towns adjacent to such 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 3 equal classes to serve for 1, 2 and 3 years, respectively, from July 1 in the year of their appointment in the case of towns, cities and villages and from January 1 following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of 3 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 shall be paid to the members of any municipal library board for their services as such but they may be reimbursed for their actual and necessary expenses incurred in performing duties outside the municipality if so authorized by the board.

(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. [1941 c. 52; 1943 c. 227]

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 in the manner provided by subsection (8) of section 66.04.

(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. The librarian in charge of a library established by a county shall hold a first grade certificate as provided in section 43.165.

(4a) The library board may adopt the American library association retirement plan for library employes, and, when authorized by an ordinance adopted by the governing body of the municipality, may contribute from the library fund for the benefit or on behalf of its librarians, other assistants and employes toward a retirement annuity for such librarians, assistants and employes. In applying such benefits the library board may classify its librarians, assistants and employes on the basis of age, salary or length of service, and make contributions for such classifications as the available funds will permit.

(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 education to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, literary, economic, literary, educational and other useful subjects. [1937 c. 411; 1941 c. 129]

43.28 Acquisition of library property. (1) Any such municipality may purchase or acquire a site or sites, erect a building or buildings, and equip the same, for such library or any library already established; 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 banking commission.

(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. [1939 c. 131]

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.

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, and when such sum equals or exceeds one-third of such net annual income, two additional members, 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 one-third herein specified the office of one such additional member of the board and if less than the one-sixth the office of both shall be vacant from and after the first day of July next thereafter.

Note: County may appropriate money to has been levied for express purpose, provided meet obligations under (2), although no tax money is available. 19 Atty. Gen. 111.

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.

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.

(1a) The library board of a county traveling library located in a county containing a city of the second class, may, at the option of the county board, consist of the county superintendent of schools, ex officio, and three members of the county board appointed by the chairman on or before the first day of May in each year.

(2) For the purpose of such county traveling libraries any county may appropriate annually not to exceed one thousand dollars, for the purchase of books, for repairs, rebinding, and the cases and freight or express on same. Such money shall be retained 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.

(4) The county board of any county may discontinue a traveling library system established by it under the provisions of this section, and turn the property of such system over to a county library system established under the provisions of section 43.25.

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

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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 board shall thereupon determine the proportionate amount to be raised and paid by each such municipality to reimburse the county for the amount 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 to meet such charge and shall pay over to the county the amounts so certified in the manner herein-after provided. Such tax shall be deemed a county special tax for tax settlement purposes but the town, city or village shall pay over to the county on or before the twenty-second day of March in each year in cash the percentage of such tax actually collected, which percentage shall be determined by applying the ratio of collection of the entire tax roll of such town, city or village excepting special assessments and taxes levied pursuant to section 59.96 of the statutes to the amount of such county special tax so certified and levied. If any town, city or village shall fail to raise and pay over such money to the county, in the manner above specified, the county board shall have authority to compel such payment. [1933 c. 458]

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) Within 30 days after the conclusion of the fiscal year of the municipality 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. [1943 c. 275 s. 17]

43.35 Milwaukee libraries and museums. 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.

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 first day of 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.

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.

43.38 Librarian, director and employes; 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.

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.

(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 provide 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).

Note: Neither 65.08 (4) nor this section may appropriate for support of public library. limits amount which city not of first class 19 Atty. Gen. 119.

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.

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.

(3) Whenever any board lawfully in charge of any public library in any city of the first class shall place and maintain in any school building in such city a branch library open to such school or to the public, and there shall be in such building any room suitable for said purposes which any board lawfully in charge of such building shall assign for such purpose, then such room shall be heated, lighted and cared for without cost to said library board.

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 March 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 December 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.

43.43 Art museums. Any city 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. [1935 c. 90]

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 meeting 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."

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 equal to the amount of such funds as may come into his hands. [1937 c. 198]

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.

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.

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.

43.49 Civic centres. (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.

(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.

(3) **COMFORT STATIONS.** Every village and city may 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.

(4) **COMFORT STATIONS AND REST ROOMS.** The state, every county, city, village, and town maintaining places of public assemblage or camp sites may also provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes and may establish rest rooms separate or in connection with such comfort stations.

(5) **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. [1933 c. 338]

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 accommodations 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 in cities of the second and third class, and at or before its second regular meeting in October of each year in cities of the first class, 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 submitted 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 or a similar fund to said board such sums of money as said council may deem expedient for the purposes of this section. [1937 c. 340; 1941 c. 213 s. 31; 1943 c. 41; 1943 c. 275 s. 17a]

Note: Question of tax levy for recreational activities must be resubmitted to voters in case voters have voted that board of directors provide for such activities but have refused to approve necessary levy under (5). 25 Atty. Gen. 276.

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, quartersection or ward lines, or streams, lakes, swamps or similar natural boundaries and no part of which is included in any other community centre.

(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.

(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.

(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.

(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 incorporated village or city shall not affect the community centre corporation.

(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.

(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.

(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.

(c) The board may fill by appointment any vacancy that may occur in their number within ten days after such vacancy shall occur; and if such vacancy shall not be so filled the town, village or city clerk of the town, village or city in which the community house is situated, shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same, unless within five days thereafter he shall file with the clerk or director a written refusal to serve, and any person

so appointed shall hold office until the next annual meeting, at which the electors shall fill such vacancy for the unexpired term.

(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.

(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.

(4) **SPECIAL MEETING.** Special meetings shall be called by the clerk or in his absence by the director or treasurer on the written request of one-fifth of the legal voters of the district, and notices thereof specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting; and the electors when lawfully assembled at a special meeting shall have power to transact the same sort of business as at the first or annual meeting except the election of officers. No tax or loan or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by a written or printed notice left at their places of residence, stating the time, place, and objects of the meeting, and specifying the amount proposed to be voted at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held and then voted by a two-thirds vote of the members present.

(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.

(6) **ANNUAL REPORT.** It shall be the duty of the board to meet on the Saturday immediately preceding the annual meeting, carefully examine the accounts of the treasurer and make up a full and itemized report of all receipts and expenditures since the last annual meeting, of the amount in the hands of the treasurer or the amount of the deficit, if any, for which the centre is liable, of the amount necessary to be raised by taxes for the maintenance of the community house for the ensuing year, and of the amount required to pay the interest or principal of any debt due or to become due during the year; which report shall be submitted in writing at the annual meeting and recorded by the clerk at length with the action thereon in the proceedings of the meeting.

(7) **LEVY BY BOARD.** If any community centre at its annual or any subsequent special meeting, prior to the third Monday of November following, shall not vote a tax sufficient to maintain a community house for the current year, the board, on or before the next Wednesday following said third Monday in November, shall determine the sum necessary to be raised to maintain such community house, and the clerk shall forthwith levy and certify to the town, village or city clerks, as the case may be, the amount so determined.

(8) **COLLECTION AND PAYMENT.** All taxes provided for in this section shall be certified, levied, collected and paid over as in the case of single or joint common school districts of the state.

(9) **COMMUNITY HOUSE.** The community house shall be used for the following purposes: Public gatherings for information, discussion, recreation, amusement; public banquets, suppers, and festivals; athletics, games; rest rooms; rooms for community agricultural projects; and such other purposes as the electors may deem fit, and the board shall adopt rules and regulations governing its maintenance, operation and management.

(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.

(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.

43.52 [*Repealed by 1933 c. 325 s. 1*]