
1971 Senate Bill 47

**Date published:
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CHAPTER 152, Laws of 1971

AN ACT to repeal 43.09 to 43.12, 43.13 (1) and (2), 43.14 to 43.17, 43.19 (5), 43.255, 43.29, 43.31, 43.51, 59.07 (70) and 70.11 (15); to renumber 42.20 (21), 42.70 (2) (q), 43.01 to 43.06, 43.25 (5), 43.35 to 43.50 and 43.55; to renumber and amend 43.13 (3), 43.19 (1) to (3), 43.22, 43.23, 43.25 (1) to (4), 43.26, 43.27, 43.28, 43.30

and 43.33; to amend chapter 43 (title) and 66.30 (1); and to create 15.377 (3), 43.001 to 43.24, chapter 229 (title), 229.13 (3) and chapter 257 (title) of the statutes, relating to an authorization for the establishment of public library systems, the creation of a council on public library certificates and standards and a general recodification of library laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: The 1969-71 legislative council directed that a study and revision of the library laws be undertaken. To conduct this study, under the general direction of its education committee, the council appointed an advisory committee on library laws revision. This advisory committee was specifically directed to review SB 363 (1969) which proposed a method of establishing public library systems in the state. In addition, the advisory committee was directed to prepare a nonsubstantive recodification of those provisions of chapter 43 of the statutes not covered in the revision of SB 363.

The advisory committee on library laws revision consisted of Senator Holger B. Rasmusen (co-chairman), State Representative Lawrence H. Johnson (co-chairman), Senator Carl W. Thompson, State Representative Herbert J. Grover; Public Members: Mrs. Robert Billings, Richard Cooklock, Kermit Goertz, Stanley R. Greene, Howard Groth, Walter Hoeft, Jr., Mrs. J. Curtis McKay, Eugene McLane, George Mead, Mrs. Robert W. Schmidt, Ray Schoephorster and Bernard Schwab.

The provisions of this bill setting forth the method of establishing and supporting public library systems are found in SECTION 15. Present law relating to municipal libraries is modernized and is retained in ch. 43. Those portions of ch. 43 which do not relate to municipal libraries or public library systems are renumbered to appropriate sections of the statutes.

Major innovations in this bill are provisions for the appointment by county boards of county library planning committees, a method for the voluntary establishment of public library systems and the institution of a state aid program (32 other states presently pay state aid to public libraries) to provide incentives for the establishment and operation of effective public library systems. The bill also provides for grants to libraries for service as regional and state-wide resource centers for specialized library materials.

The function of a county library planning committee is to investigate the potential for a public library system in the county and adjacent counties and to prepare a plan for library development which will best meet the needs of its population. The committee's final report shall be filed with the county board and division for library services, each of which must approve the system proposed by the report for the system to come into being.

In order to be approved, public library systems must meet basic standards set by statute and supplementary standards established by the division for library services with the advice of a council on public library

certificates and standards consisting of librarians, library board members and interested citizens. Population criteria are set to assure proper support and utilization of system resources and services and to base systems on existing centers of library strength. The concept of a network of public library systems, based on local decisions, is a response to increasing costs of providing quality library service, the growing quantity and complexity of library materials needed and the mobility of users of libraries.

Two types of public library systems may be established: a federated system, or a consolidated system, depending upon the decision of the participating counties.

(1) Under a federated system, each included county and the governing bodies of underlying municipalities maintaining libraries and participating in the system will enter into written agreements for library services to be provided by the designated headquarters library or other system participants. The governing boards of federated systems will be named by the county boards involved.

(2) Under a consolidated system, public library service in a county is administered by a single library board, appointed by the county board. A consolidated system can only consist of a single county.

Under either system, a municipality maintaining a public library at a rate equivalent to the county library tax rate may exempt itself from inclusion within the system.

This bill provides state aid to improve the library services of the state by stimulating the organization of public library systems. Planning grants of \$2,000 are made available for the necessary expenses of each county library planning committee. To provide continuing incentives to form and operate public library systems and to strengthen library service in local areas, state aid payments will be made to approved public library systems. The formula used to determine the amount of the state aid maintains a balance among the factors of 1) population served by the system, 2) the size of the area served and 3) expenditures by local sources for public library service in the system territory.

SECTION 1. LEGISLATIVE DECLARATION. Recognizing the importance of making quality library resources and services readily available to all of the citizens of Wisconsin, the legislature, through this act, seeks to modernize library laws for public and school libraries, to promote development and improvement of public libraries through library systems and to provide maximum opportunities for cooperation among all types of libraries in order to encourage the most effective use of the library resources in this state.

SECTION 2. 15.377 (3) of the statutes is created to read:

15.377 (3) COUNCIL ON PUBLIC LIBRARY CERTIFICATES AND STANDARDS. There is created in the department of public instruction a council on public library certificates and standards appointed by the state superintendent to consist of librarians, library board members and interested citizens appointed in such number as the state superintendent determines.

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NOTE: This section creates a broadly based council to advise the division for library services under s. 43.09 (3).

SECTION 4m. 42.20 (21) of the statutes is renumbered 42.20 (21)(a).

NOTE: This section renumbers material to permit transfer of a state teachers retirement provision from ch. 43. (See SECTION 13)

SECTION 5. 42.70 (2) (q) of the statutes is renumbered 42.70 (2)(q) 1.

NOTE: This section renumbers material to permit transfer of a Milwaukee teachers retirement provision from ch. 43. (See SECTION 13m)

SECTION 6. Chapter 43 (title) of the statutes is amended to read:

CHAPTER 43.

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

NOTE: The following is a table of contents of ch. 43 as affected by this act.

- 43.001 Definitions.
- 43.01 Library development; purpose.
- 43.03 General duties of state superintendent.
- 43.05 General duties of division.
- 43.07 Council on library development.
- 43.09 Certificates and standards.
- 43.11 County library planning committees.
- 43.13 Division review.
- 43.15 Standards for public library systems.
- 43.17 Public library systems; general provisions.
- 43.18 Withdrawal and abolition.
- 43.19 Federated public library systems.
- 43.21 Consolidated public library systems.
- 43.23 Planning grants.
- 43.24 State aid.
- 43.52 Municipal libraries.
- 43.54 Municipal library board composition.
- 43.56 Joint library boards.
- 43.57 County system of libraries.
- 43.58 Powers and duties.
- 43.60 Library extension and interchange.
- 43.62 Acquisition of property.
- 43.64 County tax.
- 43.70 Common school fund.
- 43.72 Library exchange.

SECTION 7 43.01 to 43.06 of the statutes are renumbered 257.01 to 257.07.

NOTE: This section renumbers the laws relating to the state (law) library to a new ch. 257 which is created for judicial branch agencies and committees. See also SECTION 40.

SECTION 8. 43.09 to 43.12 of the statutes are repealed.

NOTE: The material contained in these sections is included in the rewritten portion of ch. 43 which is contained in SECTION 15. (See the Conversion Table at the end of the bill to trace specific sections.)

SECTION 9. 43.13 (1) and (2) of the statutes are repealed.

NOTE: S. 43.13 (1) is deleted because the sense of that subsection is covered in the functions enumerated in new s. 43.05.

The requirements of s. 43.13 (2) are restated in s. 43.58 (6)(b).

SECTION 10. 43.13 (3) of the statutes is renumbered 43.58 (6) and amended to read:

43.58 (6) (a) Within 30 days after the conclusion of the fiscal year of the ~~county, town, city or village~~ municipality in which ~~such the public~~ library is located, the library board shall make a report stating to the division and to its municipal governing body. ~~The report shall state the condition of their the library board's trust, and the various sums of money received for the use of such the public library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the public library, and from other sources. They shall also set out~~ The report shall state separately the condition of the permanent trust funds in their the library board's control. - - The said report, shall state in detail the disbursements on account of such the public library during that fiscal year and shall contain an estimate of the needs of the public library for the next succeeding fiscal year.

(b) The report to the division shall include data concerning library materials, facilities, personnel, operations and such other information as the division requests.

NOTE: The changes shown are correctional in nature.
Par. (b) contains requirements found in s. 43.13 (2).

SECTION 11. 43.14 to 43.17 of the statutes are repealed.

NOTE: S. 43.14 is restated in new s. 43.05 (7).

S. 43.17 (1st sentence) is found in new s. 43.03 (3).
S. 43.17 (2nd sentence), which makes a reference to a book list prepared by the state superintendent, is deleted because it is obsolete.

SECTION 12. 43.19 (1) to (3) of the statutes are renumbered 43.70 (1) to (3) and amended to read:

43.70 (title) COMMON SCHOOL FUND. (1) ~~Between No later than~~ October ~~1~~ and 15 of each year, each school district administrator or ~~city superintendent of schools~~ shall certify to the state superintendent ~~on blanks~~ forms provided by the state superintendent, a report of the total number of children between the ages of 4 and 20 years residing in ~~each his~~ school district ~~within his jurisdiction on the preceding May 30 or June 30, as the case may be. - - Such census report shall list only those districts which, in the judgment of the superintendent, will maintain school at least 3 months during the school year in which the report is filed with the state superintendent.~~

(2) Annually, within ~~30~~ 40 days after December 10, 1, the state superintendent shall ascertain the aggregate amount of all moneys received as income in the common school fund ~~income received~~ prior to that December 1 ~~in the same year~~ and shall apportion such amount to the school districts in proportion to the number of children resident therein between the ages of 4 and 20 years, as shown by the census ~~reports made pursuant to this section to the~~

~~state superintendent for the year preceding, ending June 30 or May 30, as the case may be report certified under sub. (1). He shall also ascertain the unexpended balances credited to counties from previous year's receipts and shall add such amounts to the current year's receipts credited to the various counties before making the apportionment provided for by this section.~~

(3) Immediately upon making such apportionment, the state superintendent shall certify to the department of administration the amount that each school district is entitled to receive ~~in cash on the basis of the census report made by the clerk of such school district under this section and shall notify each school district administrator of the amount so certified for his school district.~~ Within 15 days after receiving such certification, the department of administration shall issue its warrants upon which the state treasurer shall pay the amount apportioned forthwith to the proper school district or municipal treasurer as provided by law. All moneys apportioned from the common school fund ~~received by any school district~~ shall be expended for the purchase of library books and other instructional materials for school libraries in accordance with regulations rules prescribed pursuant to s. 43.17 by the state superintendent. Appropriate records of such purchases shall be kept and necessary reports thereon shall be made to the state superintendent.

NOTE: The changes shown are correctional in nature, except for the addition of the phrase "and other instructional material" which modernizes the language of this provision.

SECTION 12m. 43.19 (5) of the statutes is repealed.

NOTE: This subsection is repealed because its provisions are covered in s. 43.70, as renumbered.

SECTION 13. 43.22 (1st sentence) of the statutes is renumbered 42.20 (21) (b) and amended to read:

42.20 (21) (b) Work as a librarian employed by any school board in a library in any school under its jurisdiction, by a person whose qualifications as a librarian are at least equal to the minimum librarian qualifications prescribed by the state superintendent of public instruction, also shall be deemed teaching as ~~such term is defined in s. 42.20.~~

NOTE: This section places a provision relating to librarians with the state teachers retirement law.

SECTION 13m. 43.22 (2nd sentence) of the statutes is renumbered 42.70 (2) (q) 2 and amended to read:

42.70 (2) (q) 2. In cities of the 1st class any school librarian employed by ~~any school~~ the board therein of school directors on July 4, 1937, in any such city and whose qualifications as a librarian at ~~said~~ that time are at least equal to the minimum librarian qualifications prescribed by the state superintendent of public instruction and who, prior to such 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 as defined in ~~s. 42.70 (2) (q) subd. 1~~ from and after the beginning of such employment as such school librarian.

NOTE: This section places a provision relating to Milwaukee school librarians in the Milwaukee teachers retirement law.

SECTION 14. 43.23 of the statutes is renumbered 43.72 and amended to read:

43.72 (1) School library books and ~~other instructional material~~ 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 school district, in consideration of school library books and ~~other instructional material~~ similarly loaned in exchange therefor. ~~A school district receiving books from another district under 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 2 weeks before the close of the annual school term of said district.~~

(2) ~~The Any public 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 and other instructional material as said officers shall agree upon are agreed upon by such boards for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.~~

NOTE: This section renumbers and restates s. 43.23. The last sentence of s. 43.23 (1) is deleted as unnecessary.

SECTION 15. 43.001 to 43.24 of the statutes are created to read:

43.001 DEFINITIONS. In this chapter:

- (1) "Division" means the division for library services.
- (2) "State superintendent" means the state superintendent of public instruction.
- (3) "Public library system" means a system established as either a federated public library system under s. 43.19 or a consolidated public library system under s. 43.21.
- (4) "Municipality" means a city of the 2nd, 3rd or 4th class, village, town or county. Notwithstanding its omission under this paragraph, a city of the 1st class may participate in a public library system under s. 43.19 (3).

NOTE: This section is new and is designed to avoid the repeated use of the full terms throughout this chapter.

43.01 LIBRARY DEVELOPMENT; PURPOSE. The division for library services shall administer a program for the extension and improvement of library services throughout this state in order to bring within the reach of all the people of this state increased opportunities for reading, study and free inquiry. Such a program of library services shall have these objectives:

- (1) To promote the organization and improvement of public and school library services with respect to their distinctive objectives and scope.
- (2) To encourage local governments and public library boards to make the most efficient use of their library resources by cooperating with other local governments to provide more comprehensive library systems in a manner that is in harmony with

the geographic, economic, population and other factors influencing the needs and development of local communities.

(3) To plan and coordinate on a state-wide basis public library services and school library services.

(4) To promote the development of public library services to serve the needs of all citizens and the development of school library services to provide resources needed for teaching and learning in the schools.

(5) To encourage the coordination of public and school library services with other library programs of educational agencies.

NOTE: Like s. 43.09.

43.03 GENERAL DUTIES OF STATE SUPERINTENDENT. The state superintendent shall:

(1) Appoint under the classified service a professionally trained and suitably qualified library administrator as assistant state superintendent who shall serve under his supervision as administrator of the division for library services.

(2) Make necessary rules for the administration of the division.

(3) Aid in promoting the establishment, maintenance and control of school libraries and prescribe rules for their management.

(4) Accept, on behalf of the state, grants from the federal government or any agency thereof or gifts or grants from any other source to be used under this chapter for the purpose designated.

(5) Enter into an annual contract with the public library in a city of the 1st class for the provision of library services to physically handicapped persons, including the blind and visually handicapped, certified by competent authority as unable to read or use conventional printed materials as a result of physical limitations. Any member of the medical or allied professions, professional persons in the fields of public health, education, library service, rehabilitation, social work and public welfare are considered to be competent authority.

NOTE: Restates s. 43.10 (1), except sub. (3) is like s. 43.17 (1st sentence).

43.05 GENERAL DUTIES OF DIVISION. The division shall:

(1) Maintain a library to serve individuals and to supplement the collections of public libraries, public library systems, regional resource centers and other types of libraries with specialized information and library resources not appropriately held locally, so that people of this state shall have access to the full range of reference and educational materials, and provide library lending services to state government.

(2) Coordinate state-wide library planning and related research and conduct in-service training and programs of recruiting of librarians for public libraries, school libraries and public library systems.

(3) Facilitate interlibrary loans and other forms of inter-library cooperation among all libraries in this state, including, without limitation because of enumeration, public, school, academic

and special libraries, public library systems, regional resource centers and state-level library and information centers.

(4) Provide professional and technical advisory and informational services to public and school libraries, public library systems and regional resource centers and to their governing bodies, and extend consulting services to state agencies and officers for the purpose of improving specialized libraries, to communities desiring to establish libraries and to school districts desiring to establish libraries.

(5) Contract for service with libraries to serve as resources of specialized library materials not available within public library systems or the reference and loan library of the division.

(6) Collect library statistics, make studies and surveys of library needs throughout the state and publish the findings.

(7) Ascertain which libraries in this state can suitably care for and advantageously use copies of the public documents printed at the expense of this state, including printing under ss. 35.28 and 35.29. The division shall designate such libraries as depositories of state documents and shall furnish lists of such depositories to the department of administration, to govern the distribution under s. 35.85 (2) (b). All libraries designated as depositories for federal documents shall automatically be designated as depositories for state documents. Such lists shall show, for each depository library, the number of copies of each printed state document it is to receive.

(8) Develop and make available desirable standards for public and school libraries.

NOTE: Restates and rearranges ss. 43.10 (2) and 43.14.

Sub. (5) is new and allows the division to contract with large or specialized libraries in the state to provide resources not normally available in local libraries, so as to avoid the costly duplication of such resources.

Sub. (8) is adapted from s. 43.12 (1).

43.07 COUNCIL ON LIBRARY DEVELOPMENT. The council on library development shall advise the state superintendent with regard to the general policies and activities of the state's programs for library development and interlibrary coordination.

NOTE: Restates s. 43.11.

43.09 CERTIFICATES AND STANDARDS. (1) **PUBLIC LIBRARIANS.** The division shall issue certificates to public librarians and promulgate, under ch. 227, necessary standards for public librarians. The qualifications for public librarians shall be based on education, professional training and experience. Certificates already granted prior to the effective date of this section (1971) shall remain in effect.

(2) **PUBLIC LIBRARY SYSTEMS.** (a) The division, by rule, shall promulgate necessary standards for public library systems. Such rules shall be consistent with s. 43.15 and shall be established in accordance with ch. 227, except that the division shall hold a public hearing prior to adoption of any proposed rule. In addition to the notice required under s. 227.021, the division shall endeavor to notify each public library of such public hearings. Standards for public library systems shall be based on the population served, adequacy of the buildings and physical facilities, the qualifications and number of personnel, book resources and other

library materials, financial support and such other standards as the division finds necessary to ensure adequate library service.

(b) The division may provisionally approve, based on lesser standards than those set under par. (a), a newly established public library system for not more than 5 years. To be eligible for provisional approval, a system shall have a plan approved by the division which provides for compliance with the standards under par. (a) at the end of the period of provisional approval.

(3) **COUNCIL ON PUBLIC LIBRARY CERTIFICATES AND STANDARDS.** The council on public library certificates and standards shall advise the division with regard to the development of standards under subs. (1) and (2).

NOTE: Sub. (1) is based on s. 43.12. Consistent with modern trends in law-making it removes the very detailed statutory minimum requirements in present law and replaces them with a general directive to the division to establish certificating requirements.

Sub. (2) is new. Par. (a) directs the division to establish standards, by administrative rule, for public library systems. By requiring notices and public hearings, it seeks to guarantee public involvement in the development of those standards. Par. (b) permits the establishment of a public library system, for a limited length of time, even though it initially meets less than the full standards promulgated by the division.

Sub. (3) is new and directs the council established under s. 15.377 (3) [see SECTION 2] to advise the division on appropriate matters.

43.11 COUNTY LIBRARY PLANNING COMMITTEES. (1) CREATION. Any county board may appoint a county library planning committee under this section. If a county board, in a county where all public library service is administered or coordinated by an existing library board, determines to appoint a committee under this section, the existing library board shall serve as the county library planning committee. The county board shall notify the division immediately upon appointment of the committee.

(2) **ORGANIZATION.** (a) The county library planning committee shall be composed of not less than 7 nor more than 15 members. The residence of members shall reflect the population distribution within the county. The membership shall include representatives of existing public libraries in the county. One member only shall be a member of the county board. Appointments shall be for 3 years or until the committee's final report is accepted by the county board and the division, whichever occurs first.

(b) Annually, the committee shall select a chairman, vice chairman and secretary from its membership. The committee shall meet at least once every 3 months and more often on the call of the chairman or a majority of its members.

(c) No compensation may be paid to the members of any committee for their services but they shall be reimbursed for their actual and necessary expenses incurred in performing committee duties. The committee also may incur expenses related to the preparation of reports and the utilization of special consultants. Expenses under this paragraph shall be reimbursed from the planning grant under s. 43.23.

(3) **DUTIES.** (a) The committee shall investigate the potential of a public library system in the county and adjacent counties, and prepare a plan for the organization of a county or multicounty system. It shall conduct public hearings to which representatives of all libraries in the county shall be invited and shall cooperate with similar committees of adjoining counties for the purpose of planning multicounty public library systems.

(b) The committee's final report, including a plan for initial and long-range services and copies of any written agreements necessary to implement the proposed system, shall be filed with the county board and submitted to the division. Plans for multicounty systems shall include a method for allocating system board membership among library representatives and public members.

(4) **DISSOLUTION.** The committee shall be dissolved either after 3 years or when its final report has been accepted both by the division and the county board, whichever occurs first.

NOTE: Based on s. 43.255 which is modified to take into account the possibility of multicounty cooperation in planning library systems. This section insures that the initiation of and planning for systems will be conducted at the local level and thereby reflect local needs and situations.

If a moribund committee is dissolved under sub. (4), a new committee may - if the county board so chooses - be appointed to continue the planning study.

43.13 DIVISION REVIEW. (1) (a) No public library system may be established without the approval of the division. In reviewing final reports submitted by county library planning committees, the division shall consider, in addition to the standards set forth in s. 43.15, the proposed system territory, organization and financing, initial and long-range plans for library services, the role of existing multi-jurisdictional service programs in the territory and plans for cooperation with adjoining systems and with other kinds of libraries in the territory.

(b) If the division approves a final report, it shall report such approval to the appropriate county boards and county library planning committees. Upon acceptance by the county boards, the division shall certify to the appropriate county boards the establishment of the public library system proposed by the report, specifying the effective date of the establishment of the system.

(2) A public library system board may submit to the division a plan for the alteration in the territory included within the system or for a change in system organization from a federated to a consolidated system or vice versa. If the change proposed by the plan is approved, the division shall certify such fact to the system board, specifying the effective date of the change.

(3) The effective date of the establishment of a system under sub. (1) or of a change under sub. (2) shall be January 1 of the year specified by the division, except that the effective date of the establishment of a system approved prior to March 1, 1972, may be either January 1 or March 1, 1972.

(4) Any decision by the division under this section may be appealed to the state superintendent.

NOTE: This section is new and provides state review of locally developed plans so that the most effective use is made of existing library resources and to guarantee a logical pattern of system development.

43.15 STANDARDS FOR PUBLIC LIBRARY SYSTEMS. A public library system shall not be established unless it meets the requirements under this section.

(1) POPULATION. The territory within the system shall:

(a) Contain at least one public library established under s. 43.52 in a city which, at the time of the system's establishment, has a population of more than 30,000. Any contractual arrangement existing on the effective date of this section (1971) among a number of units of government whose territory consists of at least 3,500 square miles, and under which a multi-jurisdictional library service program is operated, which meets the requirements of this section other than the requirement for a city having a population of 30,000 or more shall be deemed to meet such requirement if it provides in the system plan for access by contract to the resources and services of a public library in a city having a population of 30,000 or more which is participating in a system.

(b) Have, at the time of its establishment, a population of 85,000 or more. Temporary certification shall be given to those systems which the 1970 census shows to have a population of at least 80,000. After January 1, 1981, no new system may be established, nor may a system be continued under temporary certification, containing territory having a total population of less than 85,000.

(2) FINANCIAL SUPPORT. Each county proposed to be included within a system shall demonstrate, to the satisfaction of the division, its ability to comply with s. 43.24 (2).

(3) TERRITORY INCLUDED. (a) A consolidated system shall consist of one county only. A federated system shall consist of one or more counties.

(b) No more than one system may be established within a single county. If territory of a city or village lies in 2 or more counties which are not in the same public library system, the municipal library board or, if no such board exists, the municipal governing body shall determine the system in which the city or village will participate.

(4) METHOD OF ORGANIZATION. The system shall have a designated headquarters library and be organized as either of the following:

(a) A federated system in which the governing body of each included county, and those of its underlying cities, villages and towns as have public libraries and are participating in the system, enter into written agreements for library services to be provided by the designated headquarters library or other system participants, except as provided in s. 43.64 (2). The written agreements shall provide for each included county to furnish library service to residents of those cities, villages and towns not maintaining a public library. A single-county public library system, whether federated or consolidated, may become part of a multicounty federated system by written agreement of the county board.

(b) A consolidated system in which the included county and its underlying cities, villages and towns form a single library system, except as provided in s. 43.64 (2). The county may for such purpose take over and acquire any library property by the consent of the authority controlling that property.

NOTE: This section is new and sets forth certain standards to be met by public library systems and the methods of organization of the 2 types of systems.

Sub. (1) assures that public library systems will have enough population to justify and fully utilize the wide range of services and facilities necessary for modern effective library service.

In par. (a), the requirement of a city of 30,000 population guarantees at least one population concentration of sufficient size to encourage and justify the development of a diversified library collection and varied service program staffed by trained personnel. In addition, such a city is likely to have existing public library strength upon which a system may build. To create such strength anew would be prohibitively expensive. The system population minimum of 85,000 in par. (b) is intended to further assure that each system will have a large enough total population to support and utilize comprehensive library services.

The requirement for continued adequate local support referred to in sub. (2) is more fully explained in the Note to new s. 43.24 (2).

Sub (3) follows from others which establish the county as the taxing and governmental unit for public library systems. Federated systems may be either single-county or multicounty systems. Consolidated systems will consist of single counties only, to avoid establishing a new level of government - as a multicounty consolidated system would be. The subsection also specifies that a county may participate in only one system.

Sub. (4) sets forth the nature of the 2 types of public library systems.

Par. (a): A federated system may be formed by written agreements between the county board and the governing bodies of local governments within the county to establish a system of library services throughout the county or counties served by the system. A municipality maintaining a public library is not required to join the system and, if its library expenditures are equal to what its share of the county library tax would be, is not subject to any county library tax which may be levied. Under the federated system, the existing libraries and their library boards continue and maintain their autonomy and control over their own local programs. The county itself will be responsible for library service to areas which do not have a public library.

Par. (b): Under a consolidated system, a county and all its underlying municipalities (except those maintaining libraries and taxing themselves at an equivalent rate who choose to exempt themselves) form a single library system.

43.17 PUBLIC LIBRARY SYSTEMS; GENERAL PROVISIONS. (1) BOARD TERMS. Every public library system shall be governed by a board appointed under s. 43.19 or 43.21. Upon the initial establishment of a board, the members shall be divided as nearly as possible into 3 equal groups to serve for terms expiring on January 1 of the 2nd, 3rd and 4th years, respectively, following their appointment. Thereafter, regular terms shall be for 3 years and shall commence on January 1. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

(2) **BOARD ORGANIZATION.** As soon as practicable after the initial establishment of a system, and thereafter in January of each year, the board shall organize by the election, from among its members, of a president and such other officers as it deems necessary.

(3) **FISCAL YEAR.** The fiscal year of each federated public library system whose territory lies within 2 or more counties shall be the calendar year.

(4) **SYSTEM ADMINISTRATION.** Responsibility for administration of a public library system shall vest in a head librarian who shall be appointed by and directly responsible to the public library system board.

(5) **ANNUAL REPORT.** Annually, at the time required by the division, each public library system shall report to the division on its operations, expenditures and territory served during the preceding year, shall submit a plan describing the program for library service to be carried out in the subsequent year and shall furnish such other information as the division requires.

(6) **COOPERATIVE SERVICES.** A public library system may contract with another such system or with other libraries or resource centers to provide and receive library services.

(7) **EXISTING EMPLOYEES.** No person employed by a participating public library at the time of the establishment of a public library system shall lose, because of such establishment, any salary, fringe benefit or other employment rights in existence at that time.

(8) **RETIREMENT.** If any employe of a participating municipality under the Wisconsin retirement fund becomes, by virtue of the establishment of a public library system, an employe of that system, the system shall become a participating municipality under the Wisconsin retirement fund.

(9) **CONTRACTS AND BIDDING.** All contracts for public construction, the estimated cost of which exceeds \$1,000, made by a federated public library system whose territory lies within 2 or more counties shall be let by the public library system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the system board possesses the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the federated public library system and shall be executed by the system board president and such other board officer as the system board designates.

NOTE: This section is new and sets forth the general provisions applying to all public library systems, whether organized as federated or consolidated systems.

43.18 WITHDRAWAL AND ABOLITION. (1) **WITHDRAWAL.** Not less than 3 years after affiliating with a public library system, a municipality may withdraw from the system by adoption of a resolution by a two-thirds vote of its governing body under pars. (a) and (b), if the resolution is adopted at least 6 months prior to the close of the system's fiscal year. The resolution shall become effective at the close of the system's fiscal year.

(a) With the approval of the governing body of each participating city, village and town in the county, a county may withdraw from a federated public library system whose territory lies within 2 or more counties.

(b) A participating city, village or town may withdraw from a federated public library system.

(2) ABOLITION. A county may abolish a public library system whose territory lies only within that county.

(3) PROCEDURE. (a) Prior to taking any action under this section, the municipal governing body shall hold a public hearing on the proposed action and shall publish a class 1 notice, under ch. 985, of the hearing. Notice of the hearing also shall be given by registered mail not less than one week prior to the hearing to the governing body of every other municipality participating in the public library system, to the public library system board and to the division.

(b) A municipality withdrawing under this section from a public library system shall be responsible for its allocated share of the outstanding liabilities of the system on the effective date of its withdrawal.

(c) Upon taking final action under this section to withdraw from or abolish a public library system, a municipal governing body forthwith shall give notice, by registered mail, of the action taken to the governing body of every other municipality participating in the public library system, to the public library system board and to the division.

NOTE: This section is new and establishes procedures for withdrawal from or abolition of public library systems. It allows governing units which have agreed to participate in a public library system to withdraw, while guaranteeing a public hearing on the matter and, through its various procedural requirements, protect the remainder of the system from overly hasty or precipitous action.

43.19 FEDERATED PUBLIC LIBRARY SYSTEMS. (1)(a) In a federated public library system whose territory lies within a single county, the system board shall consist of 7 members appointed by the county board. At least 3 members of the system board, at the time of their appointment, shall be active voting members of library boards governing public libraries of participating municipalities, and at least one of these shall be a member of the library board governing the headquarters library. At least one but not more than 2 members of the county board shall be members of the system board at any one time.

(b) In a federated public library system whose territory lies within 2 or more counties, the system board shall consist of at least 15 and not more than 20 members appointed by the county boards, acting jointly. Appointments shall be in proportion to population as nearly as practical, but each county shall be represented by at least one member on the system board. Each county board may appoint one county board member to the system board, but if there are more than 5 counties, the total number of county board members shall not exceed 5 and county board representation shall be on a rotating basis. The library board governing the designated headquarters library shall have at least one member on the system board. The remaining system board members shall include such representatives of the library boards governing public libraries of participating municipalities and public members appointed from the counties at large as the county board determines.

(2) (a) A federated public library system whose territory lies within a single county shall be deemed an agency of the county. A federated public library system whose territory lies within 2 or more counties shall be deemed a joint agency of those counties, but

constitutes a separate legal entity for the following purposes: to have the exclusive custody and control of all system funds; to hold title to and dispose of property; to construct, enlarge and improve buildings; to make contracts; and to sue and be sued.

(b) A federated public library system board shall have the powers of a library board under s. 43.58 to 43.62 with respect to system-wide functions and services. The local library boards shall retain responsibility for their public libraries in all other areas.

(3) Any county having a population of 500,000 or more and operating a library service program under s. 43.57 shall be paid state aid under s. 43.24 as if it were a federated public library system, if the library boards of the participating municipalities, acting jointly, file a plan describing the service program and proposed use and distribution of the state aid the program is expected to receive with the division and receive the division's approval. Such a program shall meet the standards promulgated under s. 43.09 (2) and is subject to s. 43.17 (5).

NOTE: This section is new. Sub. (1) requires that the federated system board include representatives of participating library boards, the county boards of participating counties and the people at large, all appointed by the county boards involved.

Sub. (2) sets forth the authority of federated systems, including those areas where multicounty systems are legal entities. The system board has the power to operate and control system-wide programs; all other powers are reserved to local boards.

Sub. (3) permits Milwaukee county to become a federated system without requiring the reorganization of its existing library system. The subsection requires that this system meet the appropriate standards to qualify for state aids.

43.21 CONSOLIDATED PUBLIC LIBRARY SYSTEMS. (1) In a consolidated public library system, the system board shall consist of 7 members appointed by the county board. In the initial appointment of a system board, at least 3 members of the system board, at the time of their appointment, shall be active voting members of library boards governing public libraries consolidated into the system. At least one but not more than 2 members of the county board shall be members of the system board at any one time.

(2) (a) A consolidated public library system shall be deemed an agency of the county by which created.

(b) A consolidated public library system board shall have the powers of a library board under s. 43.58 to 43.62 and shall be responsible for the total program of public library service for the system territory.

(3) If it is consistent with the terms thereof, a gift, bequest, devise or endowment to a public library becoming part of a consolidated public library system may be taken over by the system board for general use of the system; otherwise, the system board shall maintain it for the benefit of the library to which given.

NOTE: This section is new. Sub. (1) requires that the consolidated system board include representatives of the county board, of the public at large and - as initial members - of library boards being consolidated into the system.

Sub. (2) sets forth the authority of consolidated systems and clarifies that such systems are county agencies.

Sub. (3) provides for the use of a gift to a library becoming part of a consolidated system.

43.23 PLANNING GRANTS. Upon its creation, a county library planning committee becomes eligible for a planning grant to reimburse it for expenses specified under s. 43.11 (2) (c). Expenses shall be fully reimbursed, except that a planning grant may not exceed \$2,000. The division shall establish procedures for reviewing applications for payments under the grant. If, upon receipt of an application for payment from a committee, the division is satisfied that the committee expenses are those properly covered under s. 43.11 (2) (c), it shall certify the full approved amount to the department of administration which shall pay such amount to the county for payment to the committee from the appropriation under s. 20.255 (1) (fi).

NOTE: This section is new. It sets forth the mechanics of reimbursing counties for planning committee activities under new s. 43.11.

43.24 STATE AID. (1) Annually, each public library system shall be paid state aid for the operation and maintenance of the system. The amount paid to each system shall be the total of the following:

(a) For each person residing in territory within the system, 50 cents.

(b) For each square mile of territory within a system, \$6 in a single-county system, \$9 in a 2-county system, \$12 in a 3-county system, \$15 in a 4-county system and \$18 in a system containing 5 or more counties.

(c) An amount equal to 7% of the total operating expenditures for public library services in territory within the system from local and county sources in the preceding year.

(2) For a public library system to qualify for state aid under this section, the division shall find that a) the municipalities having territory within the system provided financial or other equivalent support for public library service during the preceding year in an amount which, when added to the state aid for which the system will be eligible, is adequate for the support and maintenance of public library service in the area in accordance with standards set under s. 43.09 (2); and b) such support was at a level not lower than the average of the previous 3 years.

(3) Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall certify to the department of administration, the amount to which each system is entitled under this section, prorating the amounts to be paid to each system if the appropriation under s. 20.255 (4) (b) is insufficient to pay the full amount to which each is entitled. Annually on or before August 1, the department of administration shall pay each system the certified amount from the appropriation under s. 20.255 (1) (fi). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2).

NOTE: This section is new and provides state aid for the development of effective library systems in the state.

In sub. (1) the formula for state aid payments is based on 3 elements so as to take into account: (a) service demands upon systems because of the number of people served; (b) increased costs because of distances over which service is provided; and (c) the level of local expenditures during the past year.

Sub. (2) insures that local municipalities contribute their fair share to library support in order for the system to qualify for state aid.

Sub. (3) provides for division review to insure that systems receiving state aid conform to state standards.

SECTION 16. 43.25 (1), (2), (3) and (4) of the statutes are renumbered 43.52 (1) and (2) and 43.64 (1) and (2), respectively, and amended to read:

43.52 (title) MUNICIPAL LIBRARIES. (1) ~~Every city of the 2nd, 3rd or 4th class and every village, town or county~~ Any municipality may 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 the public library or reading room; and may enact and enforce police regulations to govern the use, management and preservation thereof. After the effective date of this amendment (1971), any municipality desiring to establish a new public library shall obtain a written opinion by the division regarding the feasibility and desirability of establishing the public library before final action is taken. The division shall render its opinion within 30 days of the time the request is received.

(2) ~~Every such public library or reading room shall be forever free for the use of the inhabitants of the municipality by which it is established, supported or and maintained, subject to such reasonable regulations as the library shall prescribe~~ board prescribes in order to render its use most beneficial to the greatest number, and said. The library board may exclude from the use of said the public library or reading room any and all persons who shall willfully violate such regulations.

43.64 (title) COUNTY TAX. (1) ~~The county board of the a 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 10 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~~ levy a tax to provide funds for such service and shall include any amount of tax under this subsection in the amount of taxes determined to be levied under s. 70.62 (1).

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

NOTE: The changes shown are correctional in nature, except as follows:

(1) S. 43.52 (1) is altered to be certain that the division is notified when a municipality is considering establishing a municipal library. The division may submit its advisory opinion on whether such a library should be established for the guidance of local officials and taxpayers, while not forbidding the establishment of local libraries.

(2) S. 43.64 is altered to eliminate a special statement on taxing procedure for library service, and to provide that the amounts to be levied for such services will be treated as part of the regular county levy. As revised, it is the section which will be used, in most cases, for tax-levying purposes by counties participating in public library systems.

SECTION 17. 43.25 (5) of the statutes is renumbered 229.19.

NOTE: This section moves a museum provision to be placed with related museum provisions in new ch. 229.

SECTION 18. 43.255 of the statutes is repealed.

NOTE: This material is recreated in modified form in s. 43.11.

SECTION 19. 43.26 (1), (2), (3) and (4) of the statutes are renumbered 43.54 (1), (3) and (1) (e) and 43.56, respectively, and amended to read:

43.54 (title) MUNICIPAL LIBRARY BOARD COMPOSITION. (1) (a) Each ~~such~~ public library established under s. 43.52 shall be administered by a library board composed in each city of the 2nd or 3rd class of 9 appointive members, in each city of the 4th class or county of 7 appointive members; and in each village or town of 5 appointive members; ~~who~~ Members shall be citizens residents of the municipality, except that not more than 2 appointive members thereof may be citizens residents of towns adjacent to ~~such~~ the municipality; ~~of either sex.~~ Members shall be appointed by the mayor, county board chairman, village president, or town chairman, respectively, with the approval of the municipal governing body.

(b) Upon their first appointment ~~such~~ the members shall be divided as follows: the 9-member board into 3 equal classes, to serve 1, 2 and 3 years respectively; the 7-member board into 3 classes, 3 to serve for 3 years, 2 to serve for 2 years and 2 to serve for one year; the 5-member board into 3 classes, 2 to serve for 3 years, 2 to serve for 2 years and one to serve for one year, from July 1 in the year of their appointment in the case of cities, towns and villages and from January 1 following their appointment in the case of counties; ~~and thereafter~~ Thereafter, each regular appointment shall be for a term of 3 years.

(c) The appointing authority shall appoint as one of the members ~~enumerated above~~, ~~one~~ a school district administrator, or his representative, to represent the public school district or

districts in which the public library is located. Not more than one member of the ~~council or county, village or town board~~ municipal governing body shall at any one time be a member of the library board.

(d) No compensation shall be paid to the members of any ~~municipal~~ a 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 library board.

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

(3) In any city of the 2nd or 3rd 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 ~~6, and thereupon 7~~. 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 3 equal classes, 3 to serve for 3 years, 2 to serve for 2 and 3 years and 2 to serve for one year, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of 3 years, from the succeeding ~~first day~~ of July 1.

43.56 (title) JOINT LIBRARY BOARDS. Joint library boards may be created by any 2 or more ~~towns, cities, villages or counties municipalities~~ by appropriate agreement of their governing bodies ~~and when~~. When so created, such a joint library board shall have all of the powers provided by s. ~~43.27 or 43.58~~ and other statutes relating to library boards for the purpose of operating the public libraries of the participating units of government. Without limitation because of enumeration ~~said~~, the agreements relating to the creation of joint library boards may cover subjects such as membership and length of terms of office of board members, and all other appropriate matters pertaining to the creation and operation of such a joint board.

NOTE: The changes shown are correctional in nature, except that s. 43.54 (3) is altered to change the number of members to which a library board may be reduced from 6 to 7, thus guaranteeing an odd-numbered membership. It should be noted that the list of appointing officers in s. 43.54 (1) (a) is, in cases where applicable, modified by general provisions on the appointing authority of such other executive officers as city managers and county executives.

SECTION 20. 43.27 (1), (2), (3), (4) and (5) of the statutes are renumbered 43.54 (2) and 43.58 (1) and (2), (3), (4) and (5), respectively, and amended to read:

43.54 (2) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within 30 days after the time designated in ~~s. 43.26~~ this section 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.

43.58 (title) POWERS AND DUTIES. (1) 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~~. The library board also shall have exclusive

charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes.

(2) The library board shall audit and approve all vouchers for the expenditures of ~~such the~~ public 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 library board secretary or other designee of the library board, 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~~ as provided by s. 66.042.

(3) Any person having ~~any a~~ claim or demand against the municipality growing out of any act or omission of the library board shall file with ~~said the~~ library board a written statement thereof, ~~and if such~~ If the claim or demand or any part thereof be is disallowed, the claimant may bring an action against the municipality in the same 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 library board may appoint a librarian and such other assistants and employes as they ~~deem it~~ deems necessary, and prescribe their duties and compensation. ~~The librarian in charge of a library established by a county shall hold a 1st grade certificate as provided in s. 43.12.~~

(5) The library board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may ~~co-operate~~ cooperate with the university of Wisconsin, state universities, vocational, technical and adult education schools, the historical society, the department of public instruction, ~~or cooperative educational service agencies~~ school board of education or other educational institutions to secure such lectures or ~~by other means~~ to foster and encourage by other means the wider use of books and literature other resource reference and educational materials upon scientific, historical, economic, literary, educational and other useful subjects.

NOTE: The changes shown are correctional in nature, except that s. 43.54 (5) is altered to expand the list of cooperating entities and to update the reference to library materials.

SECTION 21. 43.28 (1), (2), (3), (4), (5) and (6) of the statutes are renumbered 43.62 (1), (2), (3), (4), (5) and (5) (b), respectively, and amended to read:

43.62 (title) ACQUISITION OF PROPERTY. (1) Any ~~such~~ municipality may purchase or acquire a ~~site one or more~~ one or more sites, erect a ~~building one or more~~ one or more buildings; and equip the same; for ~~such a~~ a public 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 wishing to make~~ donations of ~~money, personal property or real estate~~ for the benefit of a public library shall ~~have the right to~~ may vest the title thereto in the library board, to be held and controlled by ~~such the~~ the board, when accepted, according to the terms of the deed of gift, devise or bequest; ~~and as~~ As to such property the ~~said~~ board shall be held ~~and considered to be~~ deemed special trustees.

(3) ~~In all cases where any (a)~~ If a gift, bequest, devise or endowment shall have been or shall be is made to any public library, the library board of such library thereof may pay or transfer such the gift, bequest, devise or endowment, or the proceeds thereof, to the treasurer of the ~~county, city, village or town~~ municipality in which such the public library is situated, may entrust any funds therefrom to a public depository under ch. 34 or may in the same manner pay or transfer such gift, bequest, devise or endowment to any member of such the library board to be selected by them the library board and thereafter to be known as financial secretary. ~~Such~~ The financial secretary shall hold his office only during his membership of ~~such on~~ the 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~~

(b) ~~— If~~ any such treasurer or financial secretary holding holds any moneys or property ~~whatever~~ belonging to such the public library, such the library board shall require a bond from ~~such the~~ 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 requires. ~~Such~~ The bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of ~~such county, city, village, or town~~ the municipality, with the necessary verbal changes to ~~make the same applicable to the moneys and property so held by him.~~ Such

(c) The 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 of the~~ library board is required to make to the common council and to the department of public instruction under s. 43.58.
(6) ~~Such~~ The treasurer or financial secretary shall also send a copy of each annual report to the commissioner of banking.

(4) Any county may receive — by devise, bequest or ~~gifts of~~ lands, buildings, money, books or other gift, 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 may 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 15% 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 s. 9.20.~~

(a) In the case of any ~~such a~~ gift for a library building, the library board of ~~directors of such the~~ 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 the~~ gift. ~~Such~~ The library board of ~~directors~~ shall report forthwith to ~~such city council or county, village or town board~~ the municipal governing body the amount required to pay for such site, and the ~~council or county, village or town board~~ the municipal governing body 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) (b) Whenever the said library board shall ~~certify~~ certifies to the ~~city council, or county, village or town board,~~

municipal governing body 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~~ the municipal governing body shall proceed to acquire such site by condemnation. ~~Should~~ If the compensation awarded in the condemnation proceedings ~~exceed~~ exceeds one-third of ~~such the~~ the gift, ~~such the~~ the proceedings shall nevertheless be valid if, within 60 days after the final award, ~~such the~~ the excess be is provided for by private donation or otherwise ; ~~but in case such~~ If the excess be is not so provided for ~~then said the~~ the proceedings shall, upon motion, be dismissed with costs.

NOTE: The changes shown are correctional, except as follows:

(1) In s. 43.62 (3), library boards are permitted to entrust their funds under the public depository law as a simpler alternative to existing procedures under this section.

(2) In s. 43.62 (5), an archaic reference to Carnegie gifts is deleted, and certain procedures applicable to those gifts are altered to apply generally to all gifts.

SECTION 22. 43.29 of the statutes is repealed.

NOTE: This section authorized cities to aid free privately-established public libraries instead of operating their own public libraries. It is deleted because the authorization has not been used for many years.

SECTION 23. 43.30 of the statutes is renumbered 43.60 and amended to read:

43.60 (1) The library board of any ~~municipal~~ library municipality may, by contract or upon such conditions and regulations as it ~~may prescribe~~ prescribes, extend the use of the public 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 public library, singly or in traveling libraries, to the residents of ~~such the~~ the other municipality ; ~~and any such~~ The other municipality may ~~enter into any such agreement and~~ enter into an agreement and levy a tax and appropriate money annually to meet its obligations ~~thereunder~~ under the agreement.

(3) Whenever the annual sum appropriated by ~~such the~~ the other municipality pursuant to sub. (2) equals or exceeds one-sixth of the net annual income of ~~such the~~ the public library during the preceding fiscal year, the mayor, village president ; or town or county chairman of ~~such the~~ the other municipality, with the approval of the governing body thereof, shall appoint from among the ~~citizens~~ residents of ~~such the~~ the municipality an additional member of the library board of ~~said the~~ the public library ; and when such sum equals or exceeds one-third of ~~such the~~ the net annual income, 2 additional members, for a term of 3 years from the ~~first day of July 1~~ first day of July 1 next succeeding such appointment, and thereafter for successive terms of 3 years each ; ~~but whenever such~~ Whenever the 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 specified, the office of both shall be vacant from ~~and after the first day of July 1~~ and after the first day of July 1 next thereafter.

NOTE: The changes shown are correctional in nature.

SECTION 24. 43.31 of the statutes is repealed.

NOTE: S. 43.31, relating to traveling libraries, is repealed because the authority to provide this service is covered under general law.

SECTION 25. 43.33 of the statutes is renumbered 43.57 and amended to read:

43.57 (1) (a) The county board of any county having a population of 150,000 or more may, pursuant to ss. ~~43.25 to 43.28~~ 43.52 to 43.64, establish and maintain a public library system for ~~such the 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 those libraries; or the~~

~~(b) The county board of any county having a population of 500,000 or more may, by contract with any municipality within such the county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by such that 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 sub. (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 10 days after such determination, the county clerk shall charge to each ~~such municipality and certify to the its clerk thereof~~, the amounts so due, ~~respectively, and each such~~. Each municipality shall levy a tax sufficient to meet such charge and shall pay over to the county the amounts so certified in the manner hereinafter provided in accordance with this subsection. ~~Such~~ The 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 March 22 in each year in cash the percentage of such tax actually collected, which~~. The percentage shall be determined by applying the ratio of collection of the entire tax roll of such town, the city or village, excepting special assessments and taxes levied pursuant to s. 59.96, to the amount of such the county special tax so certified and levied. If any ~~town, city or village shall fail fails to so raise and pay over such money to the county, in the manner above specified~~, the county board may compel such payment.

NOTE: The changes shown are correctional in nature. The authorization in sub. (1) (b) is limited to Milwaukee county, the only county now using the provision.

SECTION 27. 43.35 to 43.42 of the statutes are renumbered 229.11 to 229.18.

NOTE: This section renumbers the laws relating to the city of Milwaukee's libraries and museum to a new chapter which is created to contain laws on Milwaukee city institutions.

SECTION 28. 43.43 of the statutes is renumbered 66.48.

NOTE: This section renumbers a general city museum law to the chapter on general municipal laws.

SECTION 29. 43.44 to 43.48 of the statutes are renumbered 229.21 to 229.25.

NOTE: This section renumbers the city of Milwaukee auditorium and music hall law to a new chapter which is created to contain laws on Milwaukee city institutions.

SECTION 30. 43.49 of the statutes is renumbered 66.49.

NOTE: This section renumbers a general municipal law on public auditoriums, opera houses, recreation and amusement buildings, rest rooms, comfort stations and public concerts to the chapter on general municipal laws.

SECTION 31. 43.50 of the statutes is renumbered 120.61.

NOTE: This section renumbers a law on the use of school buildings and grounds in city school districts to the subchapter on city school districts.

SECTION 32. 43.51 of the statutes is repealed.

NOTE: S. 43.51, relating to "community centres", is repealed. This never-used section contemplated the incorporation of territory as a "community centre" which would hold annual meetings, have power to tax and so forth.

SECTION 33. 43.55 of the statutes is renumbered 66.73.

NOTE: This section renumbers to the chapter on general municipal laws a law urging local governments to conduct citizen-day programs.

SECTION 34. 59.07 (70) of the statutes is repealed.

NOTE: This section repeals a reference to the county board's authority to create county library committees. Such committees have been supplanted by county library planning committees under this act. See s. 43.11 for a similar authorization for their creation.

SECTION 35. 66.30 (1) of the statutes is amended to read:

66.30 (title) INTERGOVERNMENTAL COOPERATION. (1)
~~"Municipality" as used herein includes~~ In this section ~~"municipality"~~ means the state or any department or agency thereof, or any city, village, town, county, school district, public library system or regional planning commission.

NOTE: This section adds public library systems to the list of units of government which are authorized to cooperate in providing services.

SECTION 35m. 70.11 (15) of the statutes is repealed.

NOTE: This section repeals a tax exemption for "community centres" consistent with SECTION 32.

SECTION 36. Chapter 229 (title) of the statutes is created to read:

CHAPTER 229.
PUBLIC INSTITUTIONS IN POPULOUS CITIES.

SECTION 36m. 229.13 (3) of the statutes is created to read:

229.13 (3) With the authorization of the common council, the board of trustees of the public library may contract with the county board under s. 43.57 for the provision of library services.

NOTE: This provision continues present law and is designed merely to provide a cross reference from the Milwaukee law to the general library law.

SECTION 37. Chapter 257 (title) of the statutes is created to read:

CHAPTER 257.
JUDICIAL BRANCH AGENCIES AND COMMITTEES.

SECTION 38. CROSS REFERENCE CHANGES. In the sections listed in column A below, the cross references to the sections in column B are changed to the cross references shown in column C:

A	B	C
Statute sections	Old cross references	New cross references
15.251 (intro.)	43.01	257.01
15.371 (intro.)	43.10 (1), 43.17, 43.19, 43.55	43.03, 66.73
(3)	43.09 to 43.14	Ch. 43
15.551 (intro.)	43.28	43.62 (3)
20.255 (4) (u)	43.19	43.70
25.23	43.19	43.70
35.85 (2) (b) and (6)	43.14	43.05 (7)
35.93 (6) (intro.) and (e)	43.14	43.05 (7)
42.70 (2) (q) 1, as rn.	43.22 (1m)	Subd. 2
63.53	43.22	42.70 (2)(q) 2
65.07 (1) (g)	43.50 (3) and (5)	120.61 (3) and (5)
66.19 (1)	43.12	43.09 (1)
67.04 (1) (qm)	43.25	43.52 or 43.64
67.12 (12) (a)	Ch. 43	229.21
119.04	43.50	120.61
229.16 (2), as rn.	43.39 (2)	229.15 (2)
229.19, as rn.	43.35 to 43.42	229.11 to 229.18
229.21 (5), as rn.	43.45	229.43
(7), as rn.	43.44 to 43.48	229.21 to 229.25
229.23 (3), as rn.	43.44 (7)	229.21 (7)
257.06 (9), as rn.	43.02	257.03

SECTION 40. RECONCILIATION WITH OTHER LEGISLATION. If 1971 Senate Bill 168 becomes law, its treatment of sections 43.01 to 43.06 of the statutes shall supersede the treatment of those sections by SECTION 7 of this act.

see conversion table following

CONVERSION TABLE

This table is designed to assist in tracing the various provisions of existing chapter 43 into the provisions established by this act. That portion of chapter 43 not dealing with general library laws was merely renumbered to another location in the statutes and not otherwise treated save for the correction of any cross references incidental to the renumbering; these sections are shown in the table with an asterisk (*) preceding their new number. For the general library law provisions treated in this act, the table does not show, except for deletions, what specifically happened to a particular provision. To find that information, turn to the NOTE thereto.

Old section	New section
43.01	*257.01
43.015	*257.02
43.02	*257.03
43.03	*257.04
43.04	*257.05
43.05	*257.06
43.06	*257.07
43.09 (intro.)	43.01 (intro.)
(1)	43.01 (1)
(2)	43.01 (2)
(3)	43.01 (3)
(4)	43.01 (4)
(5)	43.01 (5)
43.10 (1) (intro.)	43.03 (intro.)
(a)	43.03 (1)
(c)	43.03 (2)
(d)	43.03 (3)
(e)	43.03 (4)
(2) (intro.)	43.05 (intro.)
(a)	43.05 (1)
(b)	43.05 (2) and (3)
(c)	43.05 (4)
(e)	43.05 (6)
43.11	43.07
43.12	43.05 (8) and 43.09 (1)
43.13 (1)	Deleted
(2)	43.58 (6) (b)
(3)	43.58 (6) (a)
43.14	43.05 (7)
43.17 (1st sentence)	43.03 (3)
(2nd sentence)	Deleted
43.19 (1) to (3)	43.70
(5)	Deleted
43.22 (1st sentence)	42.20 (21) (b)
(2nd sentence)	42.70 (2) (q) 2
43.23	43.72
43.25 (1)	43.52 (1)
(2)	43.52 (2)
(3)	43.64 (1)
(4)	43.64 (2)
(5)	*229.19
43.255	43.11
43.26 (1)	43.54 (1) (a) to (d)
(2)	43.54 (3)
(3)	43.54 (1) (e)
(4)	43.56

Old section	New section
43.27 (1)	43.54 (2)
(2)	43.58 (1) and (2)
(3)	43.58 (3)
(4)	43.58 (4)
(5)	43.58 (5)
43.28 (1)	43.62 (1)
(2)	43.62 (2)
(3)	43.62 (3)
(4)	43.62 (4)
(5)	43.62 (5) (a)
(6)	43.62 (5) (b)
43.29	Deleted
43.30 (1)	43.60 (1)
(2)	43.60 (2)
(3)	43.60 (3)
43.31	Deleted
43.33 (1)	43.57 (1)
(2)	43.57 (2)
43.35	*229.11
43.36	*229.12
43.37	*229.13
43.38	*229.14
43.39	*229.15
43.40	*229.16
43.41	*229.17
43.42	*229.18
43.43	*66.48
43.44	*229.21
43.45	*229.22
43.46	*229.23
43.47	*229.24
43.48	*229.25
43.49	*66.49
43.50	*120.61
43.51	Deleted
43.55	*66.73
