

1985 Assembly Bill 537

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1985 Wisconsin Act 177

AN ACT to repeal 43.03 (3) (c), 43.09 (2) (b), 43.19 (3), 43.52 (3), 43.62 (title), 43.62 (5) (b), 229.13 (3) and 229.17 (2) and (3); to renumber 43.09 (2) (a), 43.62 (1), 43.62 (2) and 43.62 (3) (c); to renumber and amend 43.001 (intro.) and (1) to (5), 43.17 (9), 43.56, 43.62 (3) (a) and (b), 43.62 (4), 43.62 (5) (a) and 229.17 (1); to amend 15.377 (6), 43.03 (3) (a), (b) and (d) and (7), 43.05 (2), (3) (b) and (11), 43.07 (4), (5) and (7), 43.07 (6), 43.11 (3) (c), 43.15 (3) (b), 43.15 (4) (c) 1 and 3, 43.17 (4), 43.17 (9) (title), 43.19 (1) and (2) (b), 43.21 (3), 43.24 (1) (a) 3, 43.52 (1), 43.54 (1) (a) and (b), 43.54 (1) (e), 43.57 (title), 43.57 (1) (a), 43.58 (2) to (5) and (6) (a), 43.60, 43.64 (2), 43.72, 229.11, 229.12 (1) (intro.), 229.13 (1) and (2), 229.14 (title) and (1), 229.15 (title) and (1), 229.16, 229.18 (1) and (3) and 229.22 (1); to repeal and recreate 43.57 (1) (b) and 43.57 (2); and to create 43.001, 43.01 (1), 43.03 (9) and (10), 43.17 (9) (b), 43.52 (1m), 43.53 (2), 43.54 (1) (am), 43.54 (1m), 43.57 (1) (title), 43.57 (1) (c), 43.57 (3) to (5) and (6) (title), 43.58 (7) (intro.), 43.60 (2) (b), 43.64 (3) and 43.72 (3) of the statutes, relating to various changes in the laws pertaining to libraries.

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

SECTION 1. 15.377 (6) of the statutes is amended to read:

15.377 (6) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in the department of public instruction a council on library and network development composed of 15 members. ~~Eight~~ Seven of the members shall be library science, audiovisual and informational science professionals ~~or members of governing bodies of libraries or resource centers~~ and shall be representative of various types of libraries, and information services and resource providers. Seven, including public libraries, public library systems, school libraries, public and private academic libraries, special libraries and library educators. ~~Eight~~ of the members shall be persons public members who are ~~neither library science, audiovisual and informational science professionals, nor members of governing bodies of libraries and resource centers.~~ For the purposes of membership on the council, school boards and county, city, village and town governing bodies shall not be considered to be governing bodies of libraries or resource centers have demonstrated an interest in libraries or other types of information services. The members of the council shall be appointed for ~~staggered~~ 3-year terms. The council shall meet 6 times annually and shall also meet on the call of the

state superintendent, and may meet at other times on the call of the chairman or a majority of its members.

SECTION 4. 43.001 (intro.) and (1) to (5) of the statutes are renumbered 43.01 (intro.) and (2) to (6), and 43.01 (2) to (4), as renumbered, are amended to read:

43.01 (2) "Division" means the division for library services in the department.

(3) "Municipality" means a city of the ~~2nd, 3rd or 4th class~~, village, town, ~~county~~, tribal government or tribal association, or a school district ~~authorized to maintain a public library facility under s. 43.52.~~ Notwithstanding its omission under this paragraph, a city of the 1st class may participate in a public library system under s. 43.19 (3) that maintained and operated a public library facility prior to December 17, 1971.

(4) "Network" means a formal ~~or informal~~ arrangement between libraries or other informational service organizations whereby materials, information and services are exchanged and made available to potential users.

SECTION 5. 43.01 (1) of the statutes is created to read:

43.01 (1) "Department" means the department of public instruction.

SECTION 6. 43.001 of the statutes is created to read:

43.001 Legislative findings and declaration of policy.

(1) The legislature recognizes:

(a) The importance of free access to knowledge, information and diversity of ideas by all residents of this state;

(b) The critical role played by public, school, special and academic libraries in providing that access;

(c) The major educational, cultural and economic asset that is represented in the collective knowledge and information resources of the state's libraries;

(d) The importance of public libraries to the democratic process; and

(e) That the most effective use of library resources in this state can occur only through interlibrary cooperation among all types of libraries.

(2) The legislature declares that it is the policy of this state to provide laws for the development and improvement of public libraries, school libraries and interlibrary cooperation among all types of libraries.

SECTION 7. 43.03 (3) (a), (b) and (d) and (7) of the statutes are amended to read:

43.03 (3) (a) ~~Plan and coordinate school library media services with other library services and promote interlibrary~~ Promote cooperation and resource sharing between school library media programs and other libraries among public libraries, school libraries, other types of libraries and related agencies.

(b) Plan, coordinate, evaluate and set statewide priorities for the development of networks and intertype to enable library cooperation among libraries in the and resource sharing within this state and by the libraries in the between this state with libraries and resource providers in other states, and promote interlibrary cooperation and resource sharing between local governments, public libraries and other libraries.

(d) Submit to the council on library and network development an annual a biennial report which describes the programs and policies carried out under pars. (a) to (e) and (b) in the preceding year biennium and the programs and policies to be carried out under pars. (a) to (e) and (b) in the succeeding year biennium.

(7) Contract for service with libraries and other resource providers in and outside of this state to serve as resources of specialized library materials and information not available in public libraries or the reference and loan library under s. 43.05 (11).

SECTION 8. 43.03 (3) (c) of the statutes is repealed.

SECTION 9. 43.03 (9) and (10) of the statutes are created to read:

43.03 (9) Develop and maintain a computer data base containing bibliographic and library holding information for all types of library materials owned by libraries throughout the state to serve as a resource sharing tool and assist libraries in developing computerized bibliographic data bases.

(10) Disseminate information regarding appropriate continuing education activities available to librarians, library board members, library support staff and other related professionals.

SECTION 10. 43.05 (2), (3) (b) and (11) of the statutes are amended to read:

43.05 (2) ~~Assist, as deemed~~ As it deems appropriate by the division, assist libraries in the identification and recruitment of qualified personnel for school library media programs, public libraries and public library systems.

(3) (b) Public libraries and communities, municipalities establishing, maintaining or expanding public libraries, counties establishing, maintaining or expanding public library services, public library systems and regional resource centers and their governing bodies;

(11) Maintain a reference and loan library to supplement the collections of public libraries, public library systems, regional resource centers and other all types of libraries with in this state by providing specialized materials and information sources that are not appropriately held and information sources not provided by such local libraries, systems or centers and are not or readily available from other area or state-level resource providers, and to provide library lending services to state government. The library shall provide specialized information services to state agency libraries and state employes, institution libraries, public library systems, public libraries, school libraries and other types of libraries according to policies developed by the division. Library and information services may include development of collections of specialized materials, interlibrary loan services, reference services, provision of data base search services and maintenance of a statewide date base of library materials. The library may contract with state agencies and libraries to provide library material cataloging and processing services.

SECTION 11. 43.07 (4), (5) and (7) of the statutes are amended to read:

43.07 (4) Hold an annual a biennial meeting for the purpose of discussing the report submitted by the state superintendent under s. 43.03 (3) (d). Notice of the annual meeting shall be sent to appropriate public libraries and audiovisual and informational services and library and audiovisual and informational service organizations, public library systems, school libraries and other types of libraries and related agencies. After the meeting, the council shall make recommendations to the state superintendent regarding the report and any other matter the council deems appropriate.

(5) On or before July 1 of every odd-numbered year, transmit to the state superintendent a descriptive and statistical report on the condition and progress of library services in the state and recommendations on how library services in the state may be improved. The state superintendent shall include the report as an

addendum to the ~~department of public instruction's~~ department's biennial report under s. 15.04 (1) (d).

(7) Receive complaints, suggestions and inquiries regarding the programs and policies of the department of ~~public instruction~~ relating to library and network development, inquire into such complaints, suggestions and inquiries, and advise the state superintendent and the division on any action to be taken.

SECTION 12. 43.07 (6) of the statutes is amended to read:

43.07 (6) Review that portion of the budget of the department of ~~public instruction~~ relating to library service. Recommendations of the council in regard to the budget shall ~~be transmitted to the department at least 21 days before the department transmits its budget request to the governor, and shall~~ accompany the department's budget request to the governor.

SECTION 13. 43.09 (2) (a) of the statutes is renumbered 43.09 (2).

SECTION 14. 43.09 (2) (b) of the statutes is repealed.

SECTION 15. 43.11 (3) (c) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

43.11 (3) (c) The plan of library service for a county, whether for a single county or a multicounty system, shall provide for library services to residents of those municipalities in the county not maintaining a public library under ~~s. 43.52~~ this chapter. The services shall include full access to public libraries in the county participating in the public library system and may include books-by-mail service, bookmobile service, the establishment of additional libraries or other services deemed appropriate by the committee. Services may be provided by contracting with existing public libraries in the county or in adjacent counties or with the public library system or by creating a county library organization under ~~s. 43.57 or s. 43.60~~ this chapter. The plan of library service for a county may provide for improving public library service county-wide and in municipalities that have libraries. The plan shall specify the method and level of funding to be provided by the county to implement the services described in the plan and shall describe the services to be provided by the public library system and the allocation of state and county aid to fund those services.

SECTION 16. 43.15 (3) (b) of the statutes is amended to read:

43.15 (3) (b) No more than one system may be established within a single county. If the territory of a municipality 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~~ municipality will participate.

SECTION 17. 43.15 (4) (c) 1 and 3 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

43.15 (4) (c) 1. Is established under this chapter ~~or ch. 229~~.

3. Is authorized by its municipal governing body or county board to participate in the public library system.

SECTION 17m. 43.17 (4) of the statutes is amended to read:

43.17 (4) SYSTEM ADMINISTRATION. ~~Responsibility~~ Notwithstanding ss. 59.031 (2r) and 59.033 (2) (b), 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.

SECTION 18. 43.17 (9) (title) of the statutes is amended to read:

43.17 (9) (title) CONTRACTS, BIDDING AND BORROWING.

SECTION 19. 43.17 (9) of the statutes is renumbered 43.17 (9) (a) and amended to read:

43.17 (9) (a) All contracts for public construction, the estimated cost of which exceeds ~~\$1,000~~ \$5,000, 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.

SECTION 20. 43.17 (9) (b) of the statutes is created to read:

43.17 (9) (b) A public library system board of a multicounty library system may borrow money to accomplish any of its purposes, but the outstanding amount of such loans at any time may not exceed an amount equal to the system board's receipts for the prior fiscal year.

SECTION 21. 43.19 (1) and (2) (b) of the statutes are amended to read:

43.19 (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~~ resource 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 repre-

sented 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 public library board governing the designated ~~headquarters~~ resource 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 counties and public members appointed from the counties at large as the county board determines.

(2) (b) A federated public library system board shall have the powers of a public library board under ~~ss. 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.

SECTION 22. 43.19 (3) of the statutes is repealed.

SECTION 23. 43.21 (3) of the statutes is amended to read:

43.21 (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~~. The system board shall maintain it the gift, bequest or endowment for the benefit of the library to which it was given.

SECTION 24. 43.24 (1) (a) 3 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

43.24 (1) (a) 3. In 1986 an amount equal to 6%, and in 1987 an amount equal to 5% and in 1988 and thereafter an amount equal to 4%, of the total operating expenditures for public library services in territory within the system from local and county sources in the calendar year immediately preceding the year for which aids are to be paid.

SECTION 26. 43.52 (1) of the statutes is amended to read:

43.52 (1) Any municipality may establish, equip and maintain a public library, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain the public library; ~~and. The municipality may enact and enforce police regulations to govern the use, management and preservation thereof. After December 17, 1971, any of the public library. 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.~~

SECTION 27. 43.52 (1m) of the statutes is created to read:

43.52 (1m) On and after the effective date of this subsection [revisor inserts date], any town desiring to establish a new public library or participate in a

joint library under s. 43.53 shall in addition to the requirement under sub. (1) obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors shall render decisions within 90 days of the request being received.

SECTION 28. 43.52 (3) of the statutes is repealed.

SECTION 29. 43.54 (1) (a) and (b) of the statutes are amended to read:

43.54 (1) (a) Each public library established under s. 43.52 shall be administered by a library board composed in each city of the 2nd or 3rd class or school district of 9 members, in each city of the 4th class ~~or county~~ of 7 members and in each village, town, tribal government or tribal association of 5 members. Members shall be residents of the municipality, except that not more than 2 members may be residents of towns adjacent to the municipality. Members shall be appointed by the mayor, ~~county board chairperson, village president, town chairman or chairperson, tribal chairman chairperson or school board chairperson~~, respectively, with the approval of the municipal governing body. ~~In school districts authorized to maintain public library facilities under s. 43.52, the library board shall be composed of 9 members appointed by the school board chairperson with the approval of the school board. Up to 2 additional members may be appointed under s. 43.60 (3).~~

(b) Upon their first appointment, 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, villages and tribal governments or tribal associations and from January 1 following their appointment in the case of counties as nearly as practicable into 3 equal groups to serve for 2-, 3- and 4-year terms, respectively.~~ Thereafter, each regular appointment shall be for a term of 3 years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made.

SECTION 30. 43.54 (1) (am) of the statutes is created to read:

43.54 (1) (am) Each public library established in a 1st class city shall be administered by a library board consisting of the president of the board of school directors or his or her designee, the superintendent of schools or his or her designee, a member of the county board of supervisors who resides in the county but outside the city, 3 aldermen and 4 public members. The county board member shall be appointed by the county executive or county administrator and confirmed by the county board for a 4-year term commencing on May 1. The 3 aldermen shall be appointed by the mayor on the 3rd Tuesday in April

from among those aldermen serving 4-year terms and shall serve on the library board during their aldermanic terms. The 4 public members shall be residents of the city and shall be appointed by the mayor on the 3rd Tuesday in April to staggered 4-year terms.

SECTION 31. 43.54 (1) (e) of the statutes is amended to read:

43.54 (1) (e) A majority of the membership of a library board constitutes a quorum, but any such board may, by regulation, provide that 3 or more members thereof shall constitute a quorum. For library boards organized under par. (am), 5 members constitute a quorum.

SECTION 32. 43.54 (1m) of the statutes is created to read:

43.54 (1m) (a) Boards appointed for joint libraries under s. 43.53 shall:

1. Consist of 7 to 11 members and be representative of the populations of the participating municipalities.

2. Be appointed by the head of the municipal governing body of each participating municipality and county board chairperson of the participating county.

(b) Subsections (1) (b) to (e) and (2) apply to joint library boards.

SECTION 33. 43.56 of the statutes is renumbered 43.53 and amended to read:

43.53 (title) Joint libraries. (1) Joint library boards libraries may be created by any 2 or more contiguous municipalities or by a county and one or more municipalities located in whole or in part in the county, by appropriate agreement of their governing bodies. When so created, such a joint board shall have all of the powers provided by s. 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, 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 Section 43.52 applies to joint libraries.

SECTION 34. 43.53 (2) of the statutes is created to read:

43.53 (2) Joint library agreements under sub. (1) shall contain provisions necessary to establish a library board under s. 43.54, perform the duties under s. 43.58 and own and operate the physical facilities.

SECTION 35. 43.57 (title) of the statutes is amended to read:

43.57 (title) Consolidated county libraries and county library services.

SECTION 36. 43.57 (1) (title) of the statutes is created to read:

43.57 (1) (title) CONSOLIDATED COUNTY LIBRARIES.

SECTION 37. 43.57 (1) (a) of the statutes is amended to read:

43.57 (1) (a) ~~The A county board of any county having a population of 150,000 or more may, pursuant to ss. 43.52 to 43.64, establish and maintain a consolidated public library system for the county, and may for such purpose adopt, take over and acquire any libraries already established, by consent of the authorities controlling those libraries.~~

SECTION 38. 43.57 (1) (b) of the statutes is repealed and recreated to read:

43.57 (1) (b) If it is consistent with the terms thereof, a gift, bequest or endowment to a public library becoming a part of a consolidated county library may be taken over by the county library board. The county library board shall maintain the gift, bequest or endowment for the benefit of the library to which it was given.

SECTION 39. 43.57 (1) (c) of the statutes is created to read:

43.57 (1) (c) A consolidated county library may become part of a federated multicounty system organized under s. 43.19.

SECTION 40. 43.57 (2) of the statutes is repealed and recreated to read:

43.57 (2) JOINT LIBRARIES. A county board may authorize the formation of a joint library under s. 43.53 and may participate in a joint library board under s. 43.54.

SECTION 41. 43.57 (3) to (5) and (6) (title) of the statutes are created to read:

43.57 (3) COUNTY LIBRARY SERVICES. A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities that have established libraries under s. 43.52 or 43.53 or to improve the library services of municipal libraries established under s. 43.52 or 43.53. The county library service may operate a library or library service program or may contract with existing library organizations for services.

(4) BOARD APPOINTMENT. (a) In a county with a consolidated county library under sub. (1), the county board chairperson shall, with the approval of the county board, appoint a 7-member county library board.

(b) In a county operating a county library service under sub. (3), the county board chairperson shall, with the approval of the county board, appoint a 7-member library board.

(c) Boards appointed under pars. (a) and (b) shall include at least one school district administrator of a school district located in whole or in part in the county and one or 2 county board supervisors. Boards appointed under par. (b) shall include, in addition, representatives of existing library boards under s. 43.54 and persons residing in municipalities not served by libraries.

(d) Boards appointed under pars. (a) and (b) have the powers and duties of a library board under s. 43.58.

(5) TERMS OF OFFICE, COMPENSATION, OFFICERS, DUTIES. (a) Upon the initial establishment of a board under sub. (4) (a) or (b), the members shall be divided as nearly as practicable in 3 equal groups to serve for 2-, 3- and 4-year terms, respectively, following their appointment. Thereafter, terms shall be for 3 years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made.

(b) No compensation shall be paid to the members of a board under sub. (4) (a) or (b) for their services, except as follows:

1. Members may be reimbursed for their actual and necessary expenses incurred in performing their duties if so authorized by the board.

2. Members may receive per diem, mileage and other necessary expenses incurred in performing their duties if so authorized by the board and the county board.

(c) A majority of the membership of a board under sub. (4) (a) or (b) constitutes a quorum, but any such board may, by resolution, provide that 3 or more members constitute a quorum.

(d) 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 beginning of terms, the members of the board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(e) Section 43.52 (2) applies to consolidated county libraries and county library services.

(f) A library organized under this section may participate in a public library system subject to s. 43.15.

(6) (title) GIFTS AND GRANTS.

SECTION 42. 43.58 (2) to (5) and (6) (a) of the statutes are amended to read:

43.58 (2) The library board shall audit and approve all vouchers for the expenditures of 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 appropriate municipal clerk or county financial officer or, in the case of a school district acting under s. 43.52, the school board 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, county or school board clerk district governing body shall thereupon draw an order upon the treasurer, and the same shall be paid then pay the bill as other municipal orders others are paid as provided by s. 66.042 or, where appropriate, s. 120.54.

(3) Any person having a claim or demand against the municipality or county growing out of any act or omission of the library board shall file with the library board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the municipality ~~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 or county.~~

(4) ~~The~~ Notwithstanding ss. 59.031 (2r) and 59.033 (2) (b), the library board ~~may~~ shall supervise the administration of the public library and shall appoint a librarian ~~and, who shall appoint such other assistants and employes as it the library board deems necessary, and prescribe their duties and compensation.~~

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

(6) (a) Within 30 days after the conclusion of the fiscal year of the municipality or county in which the public library is located, the library board shall make a report to the division and to its ~~municipal~~ governing body. The report shall state the condition of the library board's trust and the various sums of money received for the use of 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. The report shall state separately the condition of the permanent trust funds in the library board's control, shall state in detail the disbursements on account of 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.

SECTION 43. 43.58 (7) (intro.) of the statutes is created to read:

43.58 (7) (intro.) The library board may receive, manage and dispose of gifts and donations as follows:

SECTION 44. 43.60 of the statutes is amended to read:

43.60 Library extension and interchange. (1) The library board of any municipality or county may, by contract or upon such conditions and regulations as it prescribes, extend the use of the public library to non-residents of the municipality, or exchange books and other library materials either permanently or temporarily with any other library.

(2) (a) The library board of any municipality located in whole or in part in a county that is not a member of a public library system may, by agreement with any other municipality, or county provide for the loaning of books and other library materials from its public library, singly or in traveling libraries, to the residents of the other municipality or county. The

other municipality or county may levy a tax and appropriate money annually to meet its obligations under the agreement.

(3) Whenever the annual sum appropriated by the other municipality ~~pursuant to~~ or county under sub. (2) equals or exceeds one-sixth of the net annual income of the public library during the preceding fiscal year, the mayor, village president, town or county chairman or tribal chairman of the other municipality or county, with the approval of the governing body thereof, ~~shall~~ may appoint from among the residents of the municipality or county an additional member of the library board of the public library and, when such sum equals or exceeds one-third of the net annual income, 2 additional members, for a term of 3 years from the July 1 next succeeding such appointment, and thereafter for terms of 3 years. Whenever the appropriation made is less than the one-third 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 the July 1 next thereafter.

SECTION 45. 43.60 (2) (b) of the statutes is created to read:

43.60 (2) (b) The library board of any municipality located in whole or in part in a county that is a member of a public library system may, by agreement with the county, the county library board or the public library system board acting on behalf of the county, provide for the loaning of books and other library materials from its public library, singly or in traveling libraries, to the residents of the county. The county may levy a tax and appropriate money annually to meet its obligations under the agreement, as provided under s. 43.64.

SECTION 46. 43.62 (title) of the statutes is repealed.

SECTION 47. 43.62 (1) of the statutes is renumbered 43.52 (3).

SECTION 48. 43.62 (2) of the statutes is renumbered 43.58 (7) (a).

SECTION 49. 43.62 (3) (a) and (b) of the statutes are renumbered 43.58 (7) (b) and (c) and amended to read:

43.58 (7) (b) If a gift, bequest, devise or endowment is made to any public library, the library board thereof may pay or transfer the gift, bequest, devise or endowment, or the proceeds thereof, to the treasurer of the municipality or county in which the public library is situated, may entrust any funds therefrom to a public depository under ch. 34 or may pay or transfer such gift, bequest, devise or endowment to any member of the library board to be selected by the library board and thereafter to be known as financial secretary. The financial secretary shall hold ~~his~~ office only during ~~his~~ membership 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.

(c) If any such treasurer or financial secretary holds any property belonging to the public library, the library board shall require a bond from the treasurer or financial secretary to the library board in such sum, not less than ~~double~~ the amount of such property so held by him or her, and with such sureties as the library board requires. The bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of the municipality or county, with the necessary changes.

SECTION 50. 43.62 (3) (c) of the statutes is renumbered 43.58 (7) (d).

SECTION 51. 43.62 (4) of the statutes is renumbered 43.57 (6) and amended to read:

43.57 (6) Any county may receive, by ~~devise~~, bequest or 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 appointed under s. 43.57 (4) or, in the absence of a library board, the county board may properly administer the same.

SECTION 52. 43.62 (5) (a) of the statutes is renumbered 43.58 (7) (e) and amended to read:

43.58 (7) (e) In the case of a gift for a library building, the library board of the municipality shall have the exclusive right to select and contract for the purchase of a site ~~therefor, at a cost not to exceed one-third of the gift. The library board shall report forthwith to the municipal governing body the amount required to pay for such site, and 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.~~

SECTION 53. 43.62 (5) (b) of the statutes is repealed.

SECTION 54. 43.64 (2) of the statutes is amended to read:

43.64 (2) Any city, town, village or school district in a county levying a tax for a ~~county~~ public library service under sub. (1) shall, upon written application to the county board of the county, be exempted from the tax levy, if the city, town, village or school district making the application ~~expends~~ appropriates and expends for a library fund during the year for which the county tax levy is made a sum at least equal to the city's, town's, village's or school district's share of the sum which it would have to pay toward the county tax levy. For the purpose of levied by the county board for public library service under sub. (1) in the prior year. In this subsection, "library fund" means the funds raised by the city, town, village or school district by tax levy or appropriation under s. 43.52 (1).

SECTION 55. 43.64 (3) of the statutes is created to read:

43.64 (3) Each city, town, village or school district participating in a joint library under s. 43.53 shall be

treated individually in determining its eligibility for tax exemption under sub. (2).

SECTION 56. 43.72 of the statutes is amended to read:

43.72 Library exchanges. (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 any school library of that school district, in consideration of school library books and other instructional material similarly loaned in exchange therefor.~~

(2) Any public library board and ~~the school board of any school district in which a public library is maintained~~ may make such exchanges and loans of books and other instructional material as are agreed upon ~~by such boards~~ for the purpose of increasing the efficiency of both libraries and insuring ensuring the best service to the schools and all citizens.

SECTION 57. 43.72 (3) of the statutes is created to read:

43.72 (3) Any school district that borrows materials through a public library system shall reciprocate by sharing with other participating libraries materials that are not in immediate or constant demand by the school library's primary clientele, as determined by the school district.

SECTION 58. 229.11 of the statutes is amended to read:

229.11 (title) First class city museums. Any city of the 1st class however incorporated may establish and maintain, for the free use of the inhabitants thereof, a ~~public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions;~~ and may receive, hold and manage any ~~devise,~~ bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city.

SECTION 59. 229.12 (1) (intro.) of the statutes is amended to read:

229.12 (1) (intro.) ~~Each such institution~~ The public museum shall be administered by a ~~separate~~ board of 10 trustees, consisting of:

SECTION 60. 229.13 (1) and (2) of the statutes are amended to read:

229.13 (1) The annual meeting of the board of trustees of ~~the public library shall be held on the 2nd Monday of May, and of the public museum shall be held on the 3rd Tuesday of May;~~ in each year, at which meeting a president shall be chosen annually from their number.

(2) ~~Each The~~ board shall have general care, control and supervision of the ~~institution in its charge museum,~~ its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to

~~the institutional museum 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~~ The board shall prescribe regulations for the management, care, and use of the ~~institution public museum,~~ and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations.

SECTION 61. 229.13 (3) of the statutes is repealed.

SECTION 62. 229.14 (title) and (1) of the statutes is amended to read:

229.14 (title) 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.~~ The director shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. ~~Each The director~~ shall receive such compensation as shall be fixed by the board of trustees and shall be the secretary of the board.

SECTION 63. 229.15 (title) and (1) of the statutes is amended to read:

229.15 (title) Museum funds; expenditures. (1) ~~Public library and public museum funds appropriated to said institutions~~ the museum by the common council 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~~ the museum.

SECTION 64. 229.16 of the statutes is amended to read:

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

(2) All moneys derived from penalties for violations of the regulations of ~~said institutions~~ the public museum, 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~~ the public museum, shall be credited to ~~said institutional public museum funds, respectively,~~ and may be expended in the manner prescribed in s. 229.15 (2), in addition to the annual tax.

SECTION 65. 229.17 (1) of the statutes is renumbered 229.17 and amended to read:

229.17 Site, buildings and equipment. The board of trustees of ~~each such institution~~ the public museum shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the ~~institution~~ public museum, 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.

SECTION 66. 229.17 (2) and (3) of the statutes are repealed.

SECTION 67. 229.18 (1) and (3) of the statutes are amended to read:

229.18 (1) Within 10 days after the appointment of a ~~librarian~~ director or custodian or other salaried employes, the board of trustees of ~~each such institution~~ the museum 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.

(3) On or before the first day of March in each year, ~~each such~~ the board, ~~respectively~~, shall make a report to the common council, for the year ending with the December 31 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~~ museum, the articles added to the ~~museums~~ museum, and such other information and suggestions as ~~they deem~~ the board deems important, including also an

account of the moneys credited to the ~~institutional~~ museum fund, and the expenditures therefrom during the year.

SECTION 68. 229.22 (1) of the statutes is amended to read:

229.22 (1) The building, maintenance and operation of the institution shall be under the full and complete control of a board of 13 members, designated as the "Auditorium Board" and constituted as follows: Five of the members shall be elected by the corporation, from among its stockholders, for first terms of 1, 2, 3, 4 and 5 years, respectively, and successive terms of 5 years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, one alderman member of the library board of trustees of the ~~public library~~ and a different alderman member of the board of trustees of the public museum, of the city, selected respectively by the ~~boards~~ library board and the board of trustees and 2 aldermen appointed by the president of the common council for terms of 5 years. An alderman appointed by the president shall serve only while serving as alderman.

SECTION 69. **Nonstatutory provisions; public instruction.** (1) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. The first vacancy among the professional member positions on the council on library and network development occurring after the publication of this act shall be filled with an additional public member, to bring the membership of the council into conformance with section 15.377 (6) of the statutes, as affected by this act.

SECTION 70. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.551 (intro.)	43.62 (3)	none

SECTION 71. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
43.21 (2)(b)	43.58 to 43.62	43.58 and 43.60