

CHAPTER 43

LIBRARIES

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NOTE: Chapter 152, laws of 1971, which recodified the library laws, contains notes of the legislative council and a conversion table to assist in tracing statutory histories. See also previous editions of the statutes.

43.001 Definitions. In this chapter:

(1) "Division" means the division for library services.

(2) "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).

(3) "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.

(4) "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.

(5) "State superintendent" means the state superintendent of public instruction.

History: 1971 c. 152; 1977 c. 418; 1979 c. 347; 1983 a 189.

43.03 General duties of state superintendent. The state superintendent shall:

(1) Promote, assist and plan the organization, development and improvement of school library media services to provide the resources needed for teaching and learning in the schools.

(2) Promote, assist, plan and coordinate the organization, development and improvement of public library services and public library systems to serve the needs of all citizens in the state.

(3) (a) Plan and coordinate school library media services with other library services and promote interlibrary cooperation and resource sharing between school library media programs and other libraries.

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

(c) Coordinate and promote the development of regional organizations for interlibrary cooperation and resource sharing among all types of libraries.

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

(4) Plan and coordinate the provision of library services to groups with special needs, including institutional residents, the physically and mentally handicapped, the socially and economically disadvantaged and racial and ethnic minorities.

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

(6) Enter into an annual contract with the public library in a 1st class city 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. For

the purpose of this subsection, "competent authority" means any member of the medical or allied professions, and professional persons in the fields of public health, education, library service, rehabilitation, social work and public welfare.

(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.

(8) Establish procedures necessary for the internal administrative operation of the division.

History: 1979 c 347.

43.05 General duties of the division. The division shall:

(1) Coordinate and conduct continuing education programs for librarians of school library media programs, public libraries, public library systems and institutional library programs.

(2) Assist, as deemed appropriate by the division, in the recruitment of personnel for school library media programs, public libraries and public library systems.

(3) Provide professional and technical advisory, consulting and informational services to assist:

(a) School districts establishing, maintaining or expanding school library media programs and facilities;

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

(c) State agencies and officers; and

(d) Institutional library programs.

(4) Collect library statistics and conduct studies and surveys of library needs throughout the state and report and publish the findings. The research shall be coordinated with statewide library planning.

(5) Ascertain which libraries in this state can suitably care for and advantageously use copies of the public documents printed at the expense of the state, including printing under ss. 35.28 and 35.29. The division shall designate the selected libraries as depositories of state documents and shall furnish lists of the 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. The lists shall show, for each depository library, the number of copies of each printed state document it is to receive.

(6) Recommend and distribute standards for school library programs and facilities to school library media programs, standards for public libraries to public library governing bodies and standards for institutional library programs to governing bodies and administrators of institutional library programs and to heads of departments, as defined under s. 15.01 (8), which administer institutional libraries.

(7) Establish standards for public library systems under s. 43.09 (2).

(8) Establish standards for and issue certificates to public librarians under s. 43.09 (1).

(9) Approve the establishment of public library systems under s. 43.13.

(10) Administer aids to public library systems under s. 43.24.

(11) Maintain a library to supplement the collections of public libraries, public library systems, regional resource centers and other types of libraries with specialized materials and information sources that are not appropriately held by such libraries, systems or centers and are not readily available from other resource providers, and to provide library lending services to state government.

(12) Assist the council on library and network development in the preparation of the descriptive and statistical report to be prepared by the council under s. 43.07 (5).

(13) Carry out such other programs and policies as directed by the state superintendent.

History: 1979 c 347; 1983 a 189 s 329 (27).

43.07 Council on library and network development. The state superintendent and the division shall seek the advice of and consult with the council on library and network development in performing their duties in regard to library service. The state superintendent or the administrator of the division shall attend every meeting of the council. The council may initiate consultations with the department and the division. The council shall:

(1) Make recommendations to the division in regard to the development of standards for the certification of public librarians and standards for public library systems under s. 43.09.

(2) Advise the state superintendent in regard to the general policies and activities of the state's program for library development, inter-library cooperation and network development.

(3) Advise the state superintendent in regard to the general policies and activities of the state's program for the development of school library media programs and facilities and the coordination of these programs with other library services.

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(4) Hold an annual 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 libraries and audiovisual and informational services and library and audiovisual and informational service organizations. After the meeting, the council shall make recommendations to the state superintendent regarding the report.

(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 biennial report under s. 15.04 (1) (d).

(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.

(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.

History: 1979 c. 347; 1983 a. 524.

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 December 17, 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.

History: 1971 c. 152; 1979 c. 347.

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.

(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.

History: 1971 c. 152; 1981 c. 20

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.

History: 1971 c. 152.

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 December 17, 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 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 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 municipalities 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 municipalities 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 municipalities 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 prop-

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erty by the consent of the authority controlling that property.

History: 1971 c. 152; 1981 c. 197.

A county having a population in excess of 85,000 and which does not presently operate and maintain a library but which contains a city of over 30,000 operating a library, can establish a single-county federated library system. Secs. 43.15 (4) (a) and 43.19. 63 Atty Gen 142

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 employer under the Wisconsin retirement system becomes, by virtue of the establishment of a public library system, an employe of that library system, the library system shall

become a participating employer under the Wisconsin retirement system.

(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.

History: 1971 c. 152; 1981 c. 96.

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 municipality in the county, a county may withdraw from a federated public library system whose territory lies within 2 or more counties.

(b) A participating municipality 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 I 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.

History: 1971 c. 152; 1981 c. 197.

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 ss. 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).

History: 1971 c. 152

See note to 59.025, citing 63 Atty. Gen. 317

Federated library systems discussed OAG 16-84.

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 ss. 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.

History: 1971 c. 152.

43.24 State aid. (1) 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 determined as follows:

(a) The total of the following shall be calculated for each system:

1. For each person residing in territory within the system, 50 cents.

2. 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.

3. 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 calendar year imme-

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diately preceding the year for which aids are to be paid.

(b) The total amount for each system, determined under par. (a), shall be divided by the total amount, determined under par. (a), for all systems in the state.

(c) The ratio determined under par. (b) shall be multiplied by an amount equal to 11.25% of the total operating expenditures for public library services, in territories within all systems in the state, from local and county sources in the calendar year immediately preceding the calendar year for which aids are to be paid. The amount determined under this paragraph shall be the amount of aid paid to each system.

(2) (a) 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.

(b) For a public library system to maintain its eligibility for state aid under this section it must meet the service criteria specified under pars. (c) to (g).

(c) Each system shall provide the following services during the first year of operation:

1. Interloan of library materials among all participating libraries.

2. Reference and reference referral services from the headquarters library.

(d) Each system shall provide the following services by the end of the 2nd year of operation:

1. Complete library service as provided at the headquarters library or at the resource library if different from the headquarters library to any resident of the system on the same terms as the service is available to residents of the headquarters community.

2. The honoring of valid borrowers' cards of all public libraries in the system by all public libraries in the system.

(e) Each system shall provide the following services by the end of the 3rd year of operation:

1. In-service training for library personnel within the system.

2. Rapid and regular delivery and communication systems.

3. Service agreements with all adjacent library systems.

4. Professional consultant services to system libraries.

(f) A public library system shall by the end of the 3rd year of its operation develop agreements

with other types of libraries in the system area, providing for appropriate sharing of library resources to benefit the clientele of all libraries.

(g) Each system shall engage in continuous planning with the division and with libraries in the system area in regard to developing the library materials collection to meet the service needs, providing service to isolated, disadvantaged and handicapped residents and furthering cooperative activities among all types of libraries in the system area.

(h) A public library system may regain its eligibility when it complies with pars. (c) to (g).

(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 an estimated amount to which each system is entitled under this section. Annually on or before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the appropriation under s. 20.255 (1) (e). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the appropriation under s. 20.255 (1) (e). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2).

(3m) If the appropriation under s. 20.255 (1) (e) in any one year is insufficient to pay the full amount under sub. (1), state aid payments shall be prorated among the library systems entitled to such aid.

(4) The division shall assure through an annual audit and adjustment of aids, as necessary, that no more than 20% of the funds received by systems are used for administrative purposes.

(5) Any interest earned from the investment of state aid paid to each public library system under sub. (3) shall be allocated to the library system receiving the aid payments.

History: 1971 c. 152; 1971 c. 211 s. 126; 1971 c. 336; 1973 c. 243 s. 82; 1977 c. 29; 1979 c. 34, 347; 1981 c. 20; 1983 a. 27 s. 2202 (42)

43.27 Distribution of materials from reference and loan collection to public library systems. The division for library services may

disperse to public library systems, without charge, materials from the collection of the reference and loan library that the division determines are not appropriately held in the collection of the reference and loan library.

History: 1979 c. 347.

43.30 Public library circulation records.

Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating which of its documents or other materials have been loaned to or used by an identifiable individual may not be disclosed except to persons acting within the scope of their duties in the administration of the library or library system or persons authorized by the individual to inspect such records, or by order of a court of law.

History: 1981 c. 335.

43.52 Municipal libraries. (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 may enact and enforce police regulations to govern the use, management and preservation thereof. After December 17, 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 public library shall be free for the use of the inhabitants of the municipality by which it is established and maintained, subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number. The library board may exclude from the use of the public library all persons who wilfully violate such regulations.

(3) Any school district which maintained and operated a public library facility prior to December 17, 1971, shall be considered a municipality for the purposes of this chapter.

History: 1971 c. 152 s. 16; 1977 c. 418.

43.54 Municipal library board composition.

(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 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 tribal chairman, 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.

(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. Thereafter, each regular appointment shall be for a term of 3 years.

(c) The appointing authority shall appoint as one of the members 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 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 a library board for their services, except as follows:

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

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

(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.

(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 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.

(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 7.

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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 classes, 3 to serve for 3 years, 2 to serve for 2 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 July 1.

History: 1971 c 152 ss 19, 20; 1977 c 418; 1981 c 197; 1983 a 27, 192, 214, 538.

43.56 Joint library boards. Joint library boards may be created by any 2 or more municipalities 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.

History: 1971 c 152 s 19.

43.57 County system of libraries. (1) (a) The 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 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.

(b) The county board of any county having a population of 500,000 or more may, by contract with any municipality within the county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by 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 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 municipality and certify to its clerk the amounts due. Each municipality shall levy a tax sufficient to meet such charge and shall pay over to the county the amounts so

certified in accordance with this subsection. The tax shall be deemed a county special tax for tax settlement purposes, but the 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. The percentage shall be determined by applying the ratio of collection of the entire tax roll of the city or village, excepting special assessments and taxes levied pursuant to ss. 66.88 to 66.918, to the amount of the county special tax. If any city or village fails to so raise and pay over such money to the county, the county board may compel such payment.

History: 1971 c 152 s 25; 1981 c 282 s 47.

43.58 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. 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 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 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 or school board clerk shall thereupon draw an order upon the treasurer, and the same shall be paid as other municipal orders 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 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.

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

(5) The library board may employ competent persons to deliver lectures upon scientific, liter-

ary, historical or educational subjects; and may cooperate with the university of Wisconsin system, vocational, technical and adult education schools, the historical society, the department of public instruction, cooperative educational service agencies, school board or 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 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.

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

History: 1971 c. 152 ss. 10, 20; 1977 c. 26, 418.

City or village governing body can change composition of its municipal library board and can limit powers of board. 70 Atty. Gen. 54.

43.60 Library extension and interchange. (1)

The library board of any municipality may, by contract or upon such conditions and regulations as it 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 the other municipality. The other municipality 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 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, with the approval of the

governing body thereof, shall appoint from among the residents of the municipality 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.

History: 1971 c. 152 s. 23; 1981 c. 197.

43.62 Acquisition of property. (1) Any municipality may purchase or acquire one or more sites, erect one or more buildings and equip the same for 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 wishing to make donations of property for the benefit of a public library may vest the title thereto in the library board, to be held and controlled by the board, when accepted, according to the terms of the deed of gift, devise or bequest. As to such property the board shall be deemed special trustees.

(3) (a) 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 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.

(b) 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, 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, with the necessary changes.

(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

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his charge. Such report shall also be appended to the annual report of the library board under s. 43.58 (6). 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 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) (a) 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.

(b) Whenever the library board certifies to the 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, the municipal governing body shall proceed to acquire such site by condemnation. If the compensation awarded in the condemnation proceedings exceeds one-third of the gift, the proceedings shall be valid if, within 60 days after the final award, the excess is provided for by private donation or otherwise. If the excess is not so provided for, the proceedings shall, upon motion, be dismissed with costs.

History: 1971 c. 152 s. 21.

43.64 County tax. (1) The county board of a county expending money for public library service to its inhabitants may 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, village or school district in a county levying a tax for a county library 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 for a library fund during the year for which the tax levy is made a sum at least equal to the sum which it would have to pay toward the county tax levy. For the purposes of 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).

History: 1971 c. 152 s. 16; 1977 c. 418; 1981 c. 20; 1983 a. 27.

Facilities necessary to exempt a municipality from the county tax discussed. 60 Atty. Gen. 389.

A town, city or village which does not maintain a public library, but which makes contributions to a nearby public library, cannot be exempted from the county library tax levy under (2). 65 Atty. Gen. 182.

To qualify for exemption under (2), municipality or school district must have expended for its own "library fund" during year in which county tax levy is made sum at least equal to sum it would have to pay for county tax levy made during that year to fund county budget for ensuing year. 72 Atty. Gen. 49.

Scope of exemption under (2) discussed. 72 Atty. Gen. 190.

43.70 Common school fund. (1) No later than October 15 of each year, each school district administrator shall certify to the state superintendent, on forms provided by the state superintendent, a report of the total number of children between the ages of 4 and 20 years residing in his school district on the preceding June 30.

(2) Annually, within 40 days after December 1, the state superintendent shall ascertain the aggregate amount of all moneys received as income in the common school fund prior to that December 1 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 report certified under sub. (1).

(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 under this section and shall notify each school district administrator of the amount so certified for his or her 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 treasurer. All moneys apportioned from the common school fund shall be expended for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules prescribed by the state superintendent. Appropriate records of such purchases shall be kept and necessary reports thereon shall be made to the state superintendent.

History: 1971 c. 152 s. 12; 1977 c. 418.

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 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 the best service to the schools and all citizens.

History: 1971 c. 152 s. 14.