

new town exceeds a government township, provided, that such territory is contiguous, and provided further that the findings of fact and order of the court creating such new town shall have been made and filed on or before March 1, 1921, are hereby validated and such new town so created is hereby declared to be a lawfully created town.

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

Approved June 21, 1921.

No. 223, S.]

[Published June 24, 1921.

CHAPTER 398.

AN ACT to renumber section 43.24 to be subsection (1) of said section, and to amend said subsection (1) of section 43.24 as renumbered, to create subsections (2) and (3) of section 43.24, to amend sections 43.25, 43.26, subsection (1) of section 43.27, subsections (3) and (4) of section 43.29, section 43.30, subsections (1) and (4) of section 43.31, subsection (2) of section 43.32, and section 43.34, and to create section 43.215 of the statutes, relating to the extension of free public library service.

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

SECTION 1. Section 43.24 of the statutes is renumbered to be subsection (1) of said section 43.24 and is amended to read: (43.24) (1) *The county board of every county, the common council of every city of the second, third or fourth classes, and the board of trustees of every village, and the board of every town, may establish, equip and maintain a public library and reading room, or maintain and support any public library and reading room already established therein, and may annually levy and cause to be collected, as other general taxes are collected, a tax upon the taxable property of such county, city, village or town, to provide a library fund, to be used exclusively to maintain such library and reading room; provided that in lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education, may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance*

of any secular or nonsectarian public library and reading room, free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as provided in subsection (3) of section 43.29 of the statutes.

SECTION 2. Two new subsections are added to section 43.24 of the statutes to read: (43.24) (2) Any city, town or village in any county levying a tax for a county library under the provisions of subsection (1) of this section, shall upon written application to the county board of such county be exempted from such tax levy, provided the city, town or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county levy.

(43.24) (3) In its discretion the county board of the county expending money for public library service to its inhabitants under any provision of this section or of section 43.31 may provide in the following manner for the raising and collecting of the money necessary to reimburse the county for the amount so expended. The county clerk of any such county shall make a report to the county board at each annual November meeting, covering the year ending October first preceding, showing in detail the amount and proportion of the money expended by the county for such library service in each town, village, and city. The county board shall thereupon determine the proportionate amount to be raised and paid by each such town, village, and city to reimburse the county for the money so advanced, and thereupon within ten days after such determination the county clerk shall certify to the clerk of and charge to each town, village, and city the amount so advanced. Each such town, city, and village shall levy a tax sufficient to reimburse the county for such advances which shall be collected as other taxes and paid into the county treasury.

SECTION 3. Sections 43.25, 43.26, subsection (1) of section 43.27, subsections (3) and (4) of section 43.29, section 43.30, subsections (1) and (4) of section 43.31, subsection (2) of section 43.32, and section 43.34 of the statutes are amended to read: 43.25. If a gift be offered to any county, city, village or town for

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

43.26 Whenever the said board of directors shall certify to the city council, *county*, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may legally be expended therefor, said city council, *county*, village or town board shall proceed to acquire such site by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs.

(43.27) (1) For the government of such library and reading room, *in each county, there shall be a board of five directors elected by the county board, one of whom shall be the county superintendent, and in each city of the second and third class, there shall be a board of nine directors, appointed by the mayor of such city, with the approval of the common council, and in each city of the fourth class, in each village or town there shall be a board of six directors, appointed by the mayor of such city, by the president of such village or the chairman of such town, with the approval of the respective common council, village or town board, from among the citizens thereof; and not more than one member of the council, or county, village or town board shall*

at any one time be such director. Such directors shall hold their office for three years from the first day of July in the year of their appointment and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting by lot into three classes, one-third for one year, one-third for two years and one-third for three years, *or as nearly as may be* and their terms shall expire accordingly. No compensation whatever shall be paid or allowed any director.

(43.29) (3) They shall have exclusive control of the expenditures of all moneys collected or donated for the library fund, the purchase of a site and the erection of the library building thereon, and the supervision, construction, furnishing, care and custody of the building or rooms constructed, leased or set apart for library purposes; and such moneys shall be drawn from the treasury in the manner prescribed herein. The library board shall audit and approve all vouchers for the expenditures of such library and shall forward the same to the *county or city clerk as the case may be* with a statement thereon signed by the secretary that the expenditure has been incurred and that the library board has audited and approved the bill. The *county or city clerk* shall thereupon draw his order upon the treasurer, and the same shall be paid as other *county or city orders* are paid.

(4) They may appoint a librarian and assistants and any janitor or other necessary employe, prescribe rules for their conduct and fix their compensation. *The librarian in charge of a library established by a county shall hold a first grade certificate as provided in section 43.165.*

43.30 Any person having any claim for money due on account of any contract between him and the library board of any *county, city, village or town* shall file with such board a written statement of his claim, and in case such claim or any part thereof be disallowed, the claimant may bring an action in court in the same manner that an action may be brought after the disallowance of a claim by the common council of cities under the general charter. Upon the filing of any such claim it shall be the duty of such boards to reserve an amount sufficient to pay the same from the funds in their possession, and in case such claim is allowed or judgment is rendered against said board it shall be the duty of the said board to pay to the claimant the amount so allowed or so adjudged to be due.

(43.31) (1) Every library and reading room established under this chapter, shall be forever free for the use of the inhabitants of the city, town or village where located, *and every county library shall be forever free for the use of the inhabitants of all parts of the county which are taxed for its support*, subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of said library and reading room of the greatest benefit to the greatest number, and they may exclude and cut off from the use of said library and reading room any and all persons who shall wilfully violate such rules.

(4) Whenever the amount so appropriated by such county or town supervisors, trustees or common council shall be equal to or exceed one-sixth of the net annual income of the library for the benefit of which such appropriation is made during the preceding fiscal year, it shall be the duty of the chairman of the town, president of the village or mayor of the city * * * *making such appropriation*, to appoint from among the citizens of * * * *such town, village or city*, * * * and in the case of a county appropriation in any county having less than one hundred fifty thousand inhabitants, *it shall be the duty of the chairman of the county board to appoint* from among the citizens of such county, one member of the board of directors of such library in addition to the members otherwise provided by law, which appointment shall be subject to the approval of the county or town supervisors, village trustees or common council of the county, town, village or city making such appropriation. *Whenever the amount so appropriated shall be equal to or exceed one-third of such net annual income the number of members so appointed shall be two.* Such director shall hold his office for the term of three years from the first day of July succeeding such appointment and until his successor is appointed.

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

shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year.

43.34 In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, organized under section 43.24, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the *county*, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be elected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum, not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such *county*, city, village or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the board of directors showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

SECTION 4. A new section is added to the statutes to read: 43.215 The county board of any county may discontinue a traveling library system established by it under the provisions of sections 43.17 to 43.21, inclusive, and turn the property of such system over to a county library system established under the provisions of sections 43.24 to 43.34, inclusive.

SECTION 5. This act shall take effect upon passage and publication.

Approved June 21, 1921.