

CHAPTER 134

LIBRARIES

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134.03 [Repealed, 1983 c 314 art 11 s 21]

134.06 [Repealed, 1983 c 314 art 11 s 21]

134.07 PUBLIC LIBRARY SERVICE.

The governing body of any city or county may establish and maintain public library service for the use of its inhabitants. By ordinance or resolution it may set apart for the benefit thereof any public property of the city or county. In any statutory city and in any city of the second, third, or fourth class, and in any county, the governing body may levy an annual tax on all taxable property therein except counties may not tax property which is already taxed for public library service. The proceeds of the tax shall be known as the library fund.

History: 1983 c 314 art 11 s 1

134.08 ESTABLISHING AND DISCONTINUING LIBRARY SERVICE; APPLICABILITY OF LAW.

Subdivision 1. **Establishment.** If public library service is not established under section 134.07, the governing body of the city or county, upon the petition of eligible voters, as defined in section 201.014, subdivision 1, of the city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county, shall submit the question of the establishment or provision of public library services to the voters at the next general election. If a majority of the votes cast on the question are in the affirmative, the governing body shall establish the library or shall provide public library service as authorized in section 134.12 or 375.335 and levy an annual tax for its support.

Subd. 2. **Discontinuance.** If public library service is established under the provisions of subdivision 1, it may be discontinued only after a majority of the votes cast on the question are in the affirmative on a question on a ballot in a general election. The question of discontinuance of public library service shall be placed on the ballot at the next general election upon the petition of eligible voters, as defined in section 201.014, subdivision 1, of the city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county.

Subd. 3. **Applicability.** All public library service heretofore established and now existing in cities and counties is continued and all ordinances and resolutions setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in

respect to libraries conferred by any city charter. If a city charter does not address matters provided for in chapter 134, the provisions of chapter 134 shall apply.

History: 1983 c 314 art 11 s 2

134.09 LIBRARY BOARDS.

Subdivision 1. Appointment. When public library service is established, except in any city of the first class operating under a home rule charter, the mayor of the city with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine members from among the residents of the city or county. The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners. Not more than one council member or county commissioner shall at any time be a member of the library board. The appointments shall be made before the first meeting of the library board after the end of the fiscal year.

Subd. 2. Term of office. If nine board members are appointed, three shall hold office for one year, three for two years and three for three years. If seven members are appointed, three shall hold office for one year, two for two years, and two for three years; if five are appointed, two shall hold office for one year, two for two years, and one for three years. All terms shall end with the fiscal year. Annually the mayor with the approval of the council, or the board of county commissioners shall appoint board members for the term of three years until their successors qualify a sufficient number of members to fill the places of those whose term or terms expire. A library board member shall not be eligible to serve more than three consecutive three-year terms.

Subd. 3. Removal of members. The mayor with the approval of the council, or the board of county commissioners may remove any member for misconduct or neglect.

Subd. 4. Abolishment. Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of the city or county may abolish the library board at the end of any fiscal year provided that the governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. The appointment of successor board members shall be made as provided in subdivision 1. The terms of successor board members shall be as provided in subdivision 2.

History: 1983 c 314 art 11 s 3

134.10 BOARD VACANCIES; COMPENSATION.

The library board president shall report vacancies in the board to the council or the board of county commissioners. The council or board of county commissioners shall fill the vacancies by appointment for the unexpired term. Library board members shall receive no compensation for their services but may be reimbursed for actual and necessary traveling expenses incurred in the discharge of library board duties and activities.

History: 1983 c 314 art 11 s 4

134.11 ORGANIZATION OF BOARD; BONDING; DUTIES.

Subdivision 1. Organization. Immediately after appointment, the library board shall organize by electing one of its number as president and one as

secretary, and from time to time it may appoint such other officers as it deems necessary.

Subd. 2. Duties. The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of interest earned on all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All moneys received for the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other moneys of the city or county, and paid out only upon approval by the board. The library board may lease rooms for library use. The library board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause. With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.

History: 1983 c 314 art 11 s 5

134.12 BENEFITS OF LIBRARY.

Subdivision 1. Nonresidents. Any library board may admit to the benefits of its library persons not residing within its city or county under regulations and upon conditions as to payment and security prescribed by the library board.

Subd. 2. Contracts with cities and towns. The library board may contract with the county board of the county in which the library is situated or the county board of any adjacent county, or with the governing body of any neighboring town or city, to loan library materials to residents of the contracting county, town, or city.

Subd. 3. Use of public library; tax levy. Any county board or city governing body may contract with the board of any city or county public library for the use of the library by the residents of the county, town, or city who do not have the use of a public library, upon the terms and conditions as those granted residents of the city or county where the public library is located, and to pay the library board an annual amount therefor. Any county board or city governing body may establish a library fund by levying an annual tax upon all taxable property which is not already taxed for the support of any public library and all taxable property which is situated outside of any city in which is situated a public library.

History: 1983 c 314 art 11 s 6

134.13 ANNUAL REPORT.

As soon as practicable following the end of the fiscal year the library board shall report to the governing body of the city or county all amounts received during the preceding year and the sources thereof, the amounts expended and for what purposes, the number of library materials on hand, the number purchased and loaned, and such other information as it deems advisable. No later than April 1 of each year the library board shall file this information with the department of education on forms supplied by the department.

History: 1983 c 314 art 11 s 7

134.14 TITLE TO PROPERTY; FREE USE.

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any city or county for a public library shall vest in, and be held in the name of, the city or county and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any public library or library board shall be deemed to have been made directly to the city or county to be used as provided in section 134.11. Every public library established under sections 134.07 to 134.15 shall be forever free to the use of the inhabitants of the city or county subject to reasonable regulations the library board may adopt.

History: 1983 c 314 art 11 s 8

134.15 GIFTS.

With the consent of the governing body of any city or county, expressed by ordinance or resolution, the library board may accept any gift, grant, devise, or bequest made or offered by any person for public library purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of the donation. The city or county in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

History: 1983 c 314 art 11 s 9

134.16 [Repealed, 1983 c 314 art 11 s 21]

134.19 [Repealed, 1983 c 314 art 11 s 21]

134.30 DEFINITIONS.

Subdivision 1. The terms used in chapter 134 have the meanings given them in this section.

Subd. 2. "Public library" means any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds and is organized under the provisions of chapter 134. It does not include libraries such as law, medical, school and academic libraries organized to serve a special group of persons, or libraries organized as a combination of a public library and another type of library.

Subd. 3. "Public library services" means services provided by or on behalf of a public library and does not include services for elementary schools, secondary schools or post-secondary educational institutions.

Subd. 4. "Regional public library system" means a multicounty public library service agency that provides free access to all residents of the region without discrimination, and is organized under the provisions of chapter 134 or 317, or section 471.59.

Subd. 5. "Basic system services" means services offered by all regional public library systems either directly or by contract. These services shall include, but are not limited to, communication among participants, resource sharing, delivery of materials, reciprocal borrowing, and cooperative reference service.

Subd. 6. "Multi-county, multi-type library system" means a cooperative network composed of any combination of public libraries, regional public library systems, public school libraries, public or private college or university libraries and any other libraries which share services and resources within a multi-county area.

Subd. 7. "City" or "cities" means home rule and statutory cities unless specifically provided otherwise.

History: 1983 c 314 art 11 s 10

134.32 GRANT AUTHORIZATION; TYPES OF GRANTS.

Subdivision 1. The department shall provide the grants specified in this section from any available state, federal, or other funds.

[For text of subds 2 to 6, see M.S.1982]

Subd. 7. It may provide grants for construction or remodeling of library facilities from any state and federal funds specifically appropriated for this purpose.

[For text of subd 8, see M.S.1982]

History: 1983 c 314 art 11 s 11,12

134.351 MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEMS.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. **Agreement.** In order for a multi-county, multi-type library system to qualify for a planning, development or operating grant pursuant to sections 134.353 and section 134.354, each participating library in the system shall adopt an organizational agreement providing for the following:

- (a) Sharing of resources among all participating libraries;
- (b) Long-range planning for cooperative programs;
- (c) The development of a delivery system for services and programs;
- (d) The development of a bibliographic data base; and
- (e) A communications system among all cooperating libraries.

[For text of subds 4 to 6, see M.S.1982]

Subd. 7. **Reports.** Each multi-county, multi-type system receiving a grant pursuant to section 134.353 or section 134.354 shall provide an annual progress report to the department of education. The department shall report before November 15 of each year to the legislature on all projects funded under section 134.353 and section 134.354.

History: 1983 c 314 art 11 s 13,14

134.352 [Repealed, 1983 c 314 art 11 s 21]

134.353 MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM DEVELOPMENT GRANT.

The state board of education may provide development grants to multi-county, multi-type library systems. In awarding a development grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic regions.

History: 1983 c 314 art 11 s 15

134.354 MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM OPERATING GRANT.

The state board of education may provide operating grants to multi-county, multi-type library systems. In awarding an operating grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic areas.

History: 1983 c 314 art 11 s 16

134.36 RULES.

The state board of education shall promulgate rules as necessary for implementation of library grant programs.

History: 1983 c 314 art 11 s 17

134.40 PROTECTION OF LIBRARY MATERIAL.

Section 609.541 describes misuse of library materials and prescribes penalties for intentional removal of, damage to, and detention of library materials.

History: 1983 c 280 s 1.