Libraries

CHAPTER 134

PUBLIC LIBRARIES; MULTICOUNTY, MULTITYPE LIBRARIES

134.0001	INACTIVE.
134.001	DEFINITIONS.
134.01	INACTIVE.
134.02	INACTIVE.
134.03	INACTIVE.
134.035	INACTIVE.
134.04	INACTIVE.
134.05	INACTIVE.
134.06	INACTIVE.
134.07	PUBLIC LIBRARY SERVICE.
134.08	ESTABLISHING AND DISCONTINUING LIBRARY SERVICE; APPLICABILITY OF LAW.
134.09	LIBRARY BOARDS.
134.10	BOARD VACANCIES; COMPENSATION.
134.11	ORGANIZATION OF BOARD; DUTIES.
134.12	BENEFITS OF LIBRARY.
134.13	ANNUAL REPORT.
134.14	TITLE TO PROPERTY; FREE USE.
134.15	GIFTS.
134.155	INACTIVE.
134.16	INACTIVE.
134.17	INACTIVE.
134.18	PRIVILEGES EXTENDED TO COUNTIES AND STATUTORY CITIES.
134.19	INACTIVE.
134.195	LIBRARY OPERATED BY CITY AND SCHOOL DISTRICT.
134.20	REGIONAL PUBLIC LIBRARY SYSTEMS.
134.201	REGIONAL LIBRARY DISTRICT.
134.21	INTERSTATE LIBRARY COMPACT.
134.22	COMPACT ADMINISTRATOR.
134.23	AGREEMENTS.
134.24	ENFORCEMENT OF COMPACT.
134.30	INACTIVE.
134.31	DEPARTMENT OF EDUCATION; LIBRARY RESPONSIBILITIES.
134.32	GRANT AUTHORIZATION; TYPES OF GRANTS.
134.33	INACTIVE.
134.34	REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; REQUIREMENTS.
134.341	COUNTY FINANCIAL SUPPORT.
134.342	ALLOCATION OF LEVY AUTHORITY.
134.35	INACTIVE.
134.351	MULTICOUNTY, MULTITYPE LIBRARY SYSTEMS.
134.352	INACTIVE.
134.353	MULTICOUNTY, MULTITYPE LIBRARY SYSTEM DEVELOPMENT GRANT.
134.354	MULTICOUNTY, MULTITYPE LIBRARY SYSTEM OPERATING GRANT.
134.355	BASIC REGIONAL LIBRARY SYSTEM; SUPPORT.
134.36	RULES.
134.40	PROTECTION OF LIBRARY MATERIAL.
134.41	LIBRARY CONSTRUCTION; JOINT FINANCING.
134.45	LIBRARY ACCESSIBILITY AND IMPROVEMENT GRANTS.
134.46	INACTIVE.
134.47	INACTIVE.
134.50	INTERNET ACCESS; LIBRARIES.

134.0001 MS 2006 [Renumbered 15.001]

134.001 DEFINITIONS.

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

Subd. 2. **Public library.** "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 this chapter. Except as provided in section 134.195, 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

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library and another type of library.

Subd. 3. **Public library services.** "Public library services" means services provided by or on behalf of a public library. Except as provided in section 134.195, it does not include services for elementary schools, secondary schools or postsecondary educational institutions.

Subd. 4. **Regional public library system.** "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 this chapter or chapter 317A, or section 471.59.

Subd. 5. **Basic system services.** "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. **Multicounty, multitype library system.** "Multicounty, multitype 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 multicounty area.

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

Subd. 8. **Regional public library district.** "Regional public library district" means a governmental unit formed according to this chapter to operate multicounty public library services.

History: *1978 c 546 s 1; 1979 c 334 art 9 s 1,2; 1983 c 314 art 11 s 10,22; 1989 c 304 s 137; 1991 c 265 art 10 s 1,2; 1993 c 375 art 7 s 2*

134.01 [Renumbered 123.60]

134.02 [Renumbered 123.601]

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

134.035 [Repealed, 1978 c 546 s 8]

134.04 [Renumbered 121.496]

134.05 [Repealed, 1963 c 10 s 1]

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: *(5661) RL s 2255; 1913 c 509 s 1; 1945 c 319 s 1; 1953 c 434 s 1; 1953 c 686 s 1; 1955 c 120 s 1; 1963 c 144 s 1; 1973 c 123 art 5 s 7; 1973 c 773 s 1; 1983 c 314 art 11 s 1*

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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 134.20 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 this chapter, the provisions of this chapter shall apply.

History: *(5662) RL s 2256; 1973 c 123 art 5 s 7; 1980 c 609 art 6 s 34; 1983 c 314 art 11 s 2; 1987 c 384 art 2 s 1*

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. If the city library is a branch or a member of a regional public library system, as defined in section 134.001, the mayor, with the approval of the city council, may appoint to the city library board, residents of the county, provided that the county is participating in the regional public library system and that the majority of the members of the city library board are residents of the city. 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

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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: *(5663) RL s 2257; 1943 c 245 s 1; 1945 c 46 s 1,2; 1961 c 235 s 1; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 3; 1986 c 471 s 2*

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 or a per diem allowance according to section 375.47 in place of the expenses.

History: *(5664) RL s 2258; 1983 c 314 art 11 s 4; 1987 c 398 art 9 s 1*

134.11 ORGANIZATION OF BOARD; 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 money collected for or placed to the credit of the library fund, of interest earned on all money 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 money received for the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other money 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: *(5665) RL s 2259; 1973 c 123 art 5 s 7; 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

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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: *(5666) RL s 2260; 1905 c 257; 1913 c 509 s 2; 1951 c 217 s 1; 1963 c 144 s 2; 1973 c 123 art 5 s 7; 1973 c 583 s 8; 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: *(5667) RL s 2261; 1911 c 181 s 1; 1945 c 40 s 1; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 7; 1Sp1995 c 3 art 16 s 13; 2003 c 130 s 12*

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: *(5668) RL s 2262; 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: *(5669) RL s 2263; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 9*

134.155 [Repealed, 1999 c 241 art 8 s 5]

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

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134.17 [Repealed, 1965 c 45 s 73]

134.18 PRIVILEGES EXTENDED TO COUNTIES AND STATUTORY CITIES.

Any public library board in any city of the first class in this state, whether such board was created by and under the general laws or by special act of the legislature, may enter into arrangement with the authorities of the county within which it is located, or with the authorities of any adjoining county, or with the authorities of any statutory city within any such county, whereby the inhabitants of any such county or statutory city may secure the privileges of using the library and museums of any such library board and the authorities of any such county or statutory city are hereby authorized to defray the expenses any such arrangement may involve.

History: *(1591) 1907 c 289 s 1; 1973 c 123 art 5 s 7*

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

134.195 LIBRARY OPERATED BY CITY AND SCHOOL DISTRICT.

Subdivision 1. **Establishment.** A school district and a city that has established a public library under sections 134.07 and 134.08, by ordinance or resolution, may jointly finance and operate a public library for use by school students and the public. If the city is already taxed for public library service by a county, approval of the board of county commissioners is required. If the city is served by a regional public library system, approval of the regional public library system board is required. Public library service established under this section may be discontinued by action of the city council or the school board upon one year's notice to the other party.

Subd. 2. **Appointment of joint library board.** The ordinance or resolution shall establish a library board of five, seven, or nine members and shall state the number of members to be appointed by the mayor, with the approval of the city council, and the number of members to be appointed by the school board. One member of the city council and one member of the school board shall be appointed to the library board. The remaining members of the library board may not be members of either the city council or the school board. Board members shall be residents of the city or the school district.

Subd. 3. **Board terms of office.** The terms of office for board members shall be established according to section 134.09, subdivision 2.

Subd. 4. **Removal of board members.** The mayor, with the approval of the council, or the school board may remove for misconduct or neglect any member it has appointed to the library board.

Subd. 5. **Abolishment of board.** Upon recommendation of a majority of the library board established under subdivision 2, the city council and the school board may abolish the library board provided that the city council and the school district shall immediately establish, by ordinance or resolution, a successor library board of five, seven, or nine members. The appointment of successor board members shall be as provided in subdivision 2 and the terms shall be as provided in subdivision 3.

Subd. 6. **Board vacancies and compensation.** The library board president shall report a vacancy on the board to the appointing authority who shall fill the vacancy by appointment for the unexpired term. Library board members shall receive no compensation for their services but may be reimbursed for actual and necessary travel expenses incurred in the discharge of library board duties and activities.

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Subd. 7. **Powers and duties of board.** Except as provided in subdivision 9, the library board has the powers and duties set forth in section 134.11, subdivision 2.

Subd. 8. **Funding.** The ordinance or resolution establishing the library shall provide for joint financing of the library by the school district and the city. The city shall provide at least the minimum dollar amount established in section 134.34, subdivision 1. The school district shall provide money for staff and materials for the library at least in proportion to the use related to curriculum, as determined by the circulation statistics of the library.

Subd. 9. **Contracts.** The library board may contract with the school board, the regional library board, or the city in which the library is situated to provide personnel, fiscal, or administrative services. The contract shall state the personnel, fiscal, and administrative services and payments to be provided by each party.

Subd. 10. **Criteria.** Public library services established according to this section, including materials, programs, equipment, and other public library services, whether located in an elementary or secondary school building or elsewhere, shall be available for simultaneous use by students and residents of the area. If public library services are located in an elementary or secondary school building, a separate entrance, accessible from the outside of the school building, shall be provided for use by the residents. The library shall meet all requirements in statutes and rules applicable to public libraries and school media centers. A media supervisor licensed by the Board of Teaching may be the director of the library. The library shall be centrally located in the community and available for use by residents during all hours the school is in session, at least 15 additional hours each week during evenings, and on Saturdays. When school is not in session, the library may reduce its hours to maintain at least the average number of hours each week of other public libraries serving its population size. The library shall have telephone service that is separate from the telephone service for the school. Public parking, restrooms, drinking water, and other necessities shall be easily accessible to residents.

History: *1991 c 265 art 10 s 3; 1994 c 647 art 10 s 2; 1Sp2011 c 11 art 6 s 1*

134.20 REGIONAL PUBLIC LIBRARY SYSTEMS.

Subdivision 1. **Establishment.** Two or more counties or two or more cities located in two or more counties may, through action by their governing bodies under section 471.59, establish and maintain a regional public library system, even though one or more of the counties or cities may already have a library with a library board. In a county or city already having a library board, the approval of the library board shall also be required. Cities having public libraries may join in the regional public library system by being parties to the agreement which establishes the regional public library system through action of their library boards and their city councils, or as provided in subdivision 3.

Subd. 2. **Library board.** The agreement establishing a regional public library system shall provide for a library board to govern the organization having all the powers and duties of city and county library boards as provided in sections 134.11, 134.12, and 134.13 and including exclusive determination of all library services to be provided under terms of the agreement as defined in section 134.001, and exclusive control of the expenditure of all funds for the services. The regional library system board may consist of as many members as the contracting parties deem necessary, appointed in a number from among the residents of the contracting parties and for terms by each party to the contract as determined by the contracting parties, irrespective of the existence of one or more city and county library boards already in existence in the participating

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cities and counties. Not more than one member from each contracting party shall be a member of the governing body of a contracting party and no member may be appointed to serve more than three consecutive three-year terms. In the participating cities and counties, the portion of the proceeds of the city and county library tax authorized by section 134.07, shall be used to support the regional public library system as the contracting agreement may provide.

Subd. 3. **City participation.** Where a regional public library system is established, a city located in any of the contracting counties which is excluded from the county tax supporting the regional public library system under the provisions of section 134.07, may, upon recommendation of its library board and upon action by its governing body, be included in the county tax and become an integral part of the regional public library system. Cities included in the county tax and with public libraries which are part of the regional public library system, whether or not governed by home rule charter provisions, upon action by their city council, may levy taxes for the additional support of their local library services. A local public library board or governing body may, at its option, continue to control the local library fund or pay all or part of it to the regional public library system fund, to be used to increase or improve public library services in the city.

Subd. 4. **Property.** All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created shall vest in, and be held in the name of, the regional library board or regional public library system board. Any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any regional library or public library system shall be deemed to have been made directly to the regional public library system board.

Subd. 5. **Regional library property; ratification.** All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created is validated, ratified and confirmed as the property of the board.

Subd. 6. **Multicounty regional public library; ratification.** Any multicounty regional public library heretofore created, and the agreements creating them, are validated, ratified, and confirmed and the benefits of subdivisions 1 to 5 shall hereafter apply to them.

History: *1961 c 55 s 1; 1973 c 123 art 5 s 7; 1981 c 358 art 6 s 34-36; 1983 c 314 art 11 s 18,22; 1984 c 629 s 2*

134.201 REGIONAL LIBRARY DISTRICT.

Subdivision 1. **Establishment.** Regional public library districts may be established under this section in the areas of the existing Great River Regional Library System and the East Central Regional Library System. The geographic boundaries shall be those established by the commissioner of education under section 134.34, subdivision 3.

Subd. 2. **Formation.** A regional public library district may be formed by:

(1) approval of a majority of the city councils and boards of county commissioners of the cities and counties that finance regional public library system services and represent a majority of the population to be served; or

(2) a majority of those voting on the issue in the entire area to be served by the district in a referendum called after petitions for the referendum have been filed in each of the local governmental units. Petitions must be signed by eligible voters in a number not less than five

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percent of the number of persons who voted in the last general election in each city and county that is a party to the system contract or agreement.

A city that is not participating in a regional public library system may join the district by majority vote of the city council or by referendum under clause (2) and with the approval of the board of the regional public library district.

Subd. 3. **Termination.** A regional public library district may be terminated at any time after the district has been in operation for three years. The procedure for termination is the same as that for creation under subdivision 2, clause (2).

Subd. 4. **Board.** (a) If the district is formed under subdivision 2, clause (1), the board of the public regional library district shall be composed of one county commissioner or the commissioner's designee from each county in the district's service area and one elected member from each county for each ten percent or a major fraction of the district's population. A majority of the members of the board must be elected members.

(b) If the district is formed under subdivision 2, clause (2), the board of the regional library district shall be composed of one member elected from each county in the district's service area and one member elected from each county for each ten percent or a major fraction of the district's population.

(c) Elected board members shall be elected at large from a county at a November election. Board members elected shall assume office on the following January 2. The term of a member shall be four years, with the terms of an initial board to expire in two years for one-half of the members. The board shall organize itself under section 134.11, subdivision 1. The board has the powers and duties set forth in section 134.11, subdivision 2.

Subd. 5. **General levy authority.** The board may levy for operation of public library service. This levy shall replace levies for operation of public library service by cities and counties authorized in section 134.07. The amount levied shall be spread on the net tax capacity of all taxable property in the district at a uniform tax rate.

(a) The maximum amount that may be levied by a board under this section is the greater of:

(1) the statewide average local support per capita for public library services for the most recent reporting period available, as certified by the commissioner of education, multiplied by the population of the district according to the most recent estimate of the state demographer or the Metropolitan Council; or

(2) the total amount provided by participating counties and cities under section 134.34, subdivision 4, during the year preceding the first year of operation.

(b) For its first year of operation, the board shall levy an amount not less than the total dollar amount provided by participating cities and counties during the preceding year under section 134.34, subdivision 4.

Subd. 6. **Basic system support grant.** A regional public library district that meets federal and state requirements for a regional library basic system support grant is eligible to receive a grant. A regional library basic system support grant shall not be made to a regional public library district if the district board reduces its levy for operation of public library service below the amount of the levy in the preceding year.

Subd. 7. **Library buildings.** In addition to the levy authorized in subdivision 5 and all other levies authorized for cities and counties, a city or county served by a library district may levy for

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the construction, acquisition, maintenance, and utilities costs of library buildings. The board of a district may issue bonds, with an election, according to chapter 475 or levy under this section a special capital levy for capital improvements for a library building. A district may purchase or lease a building to be used for library purposes from a city or county.

Subd. 8. **Borrow money.** The board of a district may borrow money and issue tax anticipation certificates as needed to provide library services or for library buildings.

Subd. 9. **Transition provisions.** If a regional public library system is reorganized into a regional public library district there will be a transition period. The transition period shall begin at the time the regional public library system board adopts a resolution that recommends formation of a district to its participants and that sets an effective date for the establishment of the district. During the transition period participating counties and cities must fund public library services under their existing contracts, and planning for administrative changes may occur. The regional public library system board shall continue until the district board members assume their duties, at which time the transition period ends.

Subd. 10. **Assumption of assets, liabilities, and contracts.** Upon assumption of responsibilities by the regional public library district board, the regional public library system assets, liabilities, and existing contracts, including contracts negotiated under chapter 179A, shall become the assets, liabilities, and contracts of the regional public library district board.

History: *1993 c 375 art 7 s 3; 1Sp1995 c 3 art 16 s 13; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

134.21 INTERSTATE LIBRARY COMPACT.

The Interstate Library Compact is hereby enacted into law and entered into on behalf of this state with any state bordering on Minnesota which legally joins therein in substantially the following form:

INTERSTATE LIBRARY COMPACT

The contracting states agree that:

ARTICLE I

PURPOSE

Because the desire for the services provided by public libraries transcends governmental boundaries and can be provided most effectively by giving such services to communities of people regardless of jurisdictional lines, it is the policy of the states who are parties to this compact to cooperate and share their responsibilities in providing joint and cooperative library services in areas where the distribution of population makes the provision of library service on an interstate basis the most effective way to provide adequate and efficient services.

ARTICLE II

PROCEDURE

The appropriate officials and agencies of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the executions of agreements to that end as provided herein will facilitate library services.

ARTICLE III

CONTENT

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Any such agreement for the cooperative or joint establishment, operation, or use of library services, facilities, personnel, equipment, materials, or other items not excluded because of failure to enumerate shall, as among the parties of the agreement: (1) Detail the specific nature of the services, facilities, properties, or personnel to which it is applicable; (2) provide for the allocation of costs and other financial responsibilities; (3) specify the respective rights, duties, obligations, and liabilities; (4) stipulate the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of said agreement.

ARTICLE IV

CONFLICT OF LAWS

Nothing in this compact or in any agreement entered into hereunder shall be construed to supersede, alter, or otherwise impair any obligation imposed on any public library by otherwise applicable laws.

ARTICLE V

ADMINISTRATOR

Each state shall designate a compact administrator with whom copies of all agreements to which his state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

ARTICLE VI

EFFECTIVE DATE

This compact shall become operative immediately upon its enactment by any state or between it and any other contiguous state or states so enacting.

ARTICLE VII

RENUNCIATION

This compact shall continue in force and remain binding upon each party state until six months after any such state has given notice of repeal by the legislature. Such withdrawal shall not be construed to relieve any party to an agreement authorized by articles II and III of the compact from the obligation of that agreement prior to the end of its stipulated period of duration.

ARTICLE VIII

SEVERABILITY; CONSTRUCTION

The provisions of this compact shall be severable. It is intended that the provisions of this compact be reasonably and liberally construed.

History: *1967 c 4 s 1*

134.22 COMPACT ADMINISTRATOR.

The commissioner of education shall designate an officer or employee of the Department of Education as compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise, and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, and governmental agencies

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and units as the administrator deems desirable to effectuate the purposes of this compact; and consult and cooperate with the compact administrators of other party states.

History: *1967 c 4 s 2; 1986 c 444; 1Sp1995 c 3 art 16 s 13; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

134.23 AGREEMENTS.

The compact administrator and the governing body of any political subdivision of the state or the library board thereof operating a public library may enter into agreements with other states or their political subdivisions pursuant to the compact. Such agreements as may be made pursuant to this compact on behalf of the state of Minnesota shall be made by the compact administrator. Such agreements as may be made on behalf of a political subdivision shall be made after due notice to, and consultation with, the compact administrator.

History: *1967 c 4 s 3; 1986 c 444*

134.24 ENFORCEMENT OF COMPACT.

The agencies and officers of this state and its political subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdictions.

History: *1967 c 4 s 4*

134.30 [Renumbered 134.001]

134.31 DEPARTMENT OF EDUCATION; LIBRARY RESPONSIBILITIES.

Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility for public education, support the provision of library service for every citizen, the development of cooperative programs for the sharing of resources and services among all libraries, and the establishment of jointly operated library services at a single location where appropriate.

Subd. 2. **Advice and instruction.** The Department of Education shall give advice and instruction to the managers of any public library or to any governing body maintaining a library or empowered to do so by law upon any matter pertaining to the organization, maintenance, or administration of libraries. The department may also give advice and instruction, as requested, to postsecondary educational institutions, state agencies, governmental units, nonprofit organizations, or private entities. It shall assist, to the extent possible, in the establishment and organization of library service in those areas where adequate services do not exist, and may aid in improving previously established library services. The department shall also provide assistance to school districts, regional library systems, and member libraries interested in offering joint library services at a single location.

Subd. 3. **Library resources.** The department may provide, for any library in the state, books, journals, audiovisual items, information services or resource materials it deems appropriate and necessary and shall encourage the sharing of library resources and the development of interlibrary cooperation.

Subd. 4. **Collect statistics.** The department shall collect statistics on the receipts, expenditures, services, and use of the regional public library systems and the public libraries of the state. It shall also collect statistics on all activities undertaken pursuant to sections 134.31 to 134.355.

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Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota Department of Education shall provide specialized services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library under a cooperative plan with the National Library Services for the Blind and Physically Handicapped of the Library of Congress.

Subd. 5. [Repealed, 2001 c 161 s 58]

Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Braille and Talking Book Library on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee except that the committee shall not expire.

Subd. 7. **Telephone or electronic meetings.** (a) Notwithstanding section 13D.01, the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the committee participating in the meeting, wherever their physical locations, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the committee can hear all discussion, testimony, and votes of the members of the committee;

(3) at least one member of the committee is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the committee participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, to the extent practical, the committee shall allow a person to monitor the meeting electronically from a remote location. The committee may require the person making the connection to pay for the documented additional costs that the committee incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the committee shall provide notice of the regular meeting location, the fact that some members may participate by telephone or other electronic means, and the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

History: *1978 c 546 s 2; 1986 c 471 s 3,4; 1989 c 329 art 10 s 1; 1991 c 265 art 11 s 20; 1993 c 224 art 5 s 37,38; art 9 s 41; 1Sp1995 c 3 art 16 s 13; 1997 c 192 s 23; 1Sp2001 c 3 art 4 s 2; 2003 c 130 s 12; 1Sp2003 c 9 art 6 s 5; art 12 s 21; 1Sp2005 c 5 art 3 s 15; 2007 c 146 art 6 s 1; 2009 c 96 art 5 s 7,8*

134.32 GRANT AUTHORIZATION; TYPES OF GRANTS.

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

Subd. 2. [Repealed, 1995 c 186 s 39]

Subd. 3. **Regional library basic system support grants.** It shall provide regional library

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basic system support grants to regional public library systems which meet the requirements of section 134.34, to assist those systems in providing basic system services.

Subd. 4. **Special project grants.** It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and the Spanish-speaking, delivery of library materials to homebound persons, other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.

Subd. 5. **Interlibrary exchange grants.** It may provide grants for interlibrary exchange of books, periodicals, resource material, reference information and the expenses incident to the sharing of library resources and materials, including planning, development and operating grants to multicounty, multitype library systems.

Subd. 6. **Library service grants.** It may provide grants for the improvement of library services at welfare and corrections institutions and for library service for the blind and physically disabled.

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

Subd. 8. **Rulemaking.** (a) The commissioner shall promulgate rules consistent with sections 134.32 to 134.355 governing:

(1) applications for these grants;

(2) computation formulas for determining the amounts of establishment grants and regional library basic system support grants; and

(3) eligibility criteria for grants.

(b) To the extent allowed under federal law, a construction grant applicant, in addition to the points received under Minnesota Rules, part 3530.2632, shall receive an additional five points if the construction grant is for a project combining public library services and school district library services at a single location.

History: *1978 c 546 s 3; 1979 c 334 art 9 s 3; 1983 c 314 art 11 s 11,12; 1993 c 224 art 5 s 39; 1998 c 398 art 5 s 55; 1Sp2003 c 9 art 6 s 5; 2005 c 56 s 1*

134.33 Subdivision 1. [Repealed, 1989 c 329 art 10 s 5 subd 2]

Subd. 2. [Repealed, 1979 c 334 art 9 s 12]

134.34 REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; REQUIREMENTS.

Subdivision 1. **Local support levels.** (a) A regional library basic system support grant shall be made to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as $7.62. In succeeding calendar years, the per capita amount shall be

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increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for a regional library basic system support grant. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

Subd. 2. [Repealed, 1992 c 499 art 10 s 4]

Subd. 3. **Regional designation.** Regional library basic system support grants shall be made only to those regional public library systems officially designated by the commissioner of education as the appropriate agency to strengthen, improve and promote public library services in the participating areas. The commissioner of education shall designate no more than one such regional public library system located entirely within any single development region existing under sections 462.381 to 462.398 or chapter 473.

Subd. 4. **Limitation.** (a) For calendar year 2010 and later, a regional library basic system support grant shall not be made to a regional public library system for a participating city or county which decreases the dollar amount provided for support for operating purposes of public library service below the amount provided by it for the second, or third preceding year, whichever is less. For purposes of this subdivision and subdivision 1, any funds provided under section 473.757, subdivision 2, for extending library hours of operation shall not be considered amounts provided by a city or county for support for operating purposes of public library service. This subdivision shall not apply to participating cities or counties where the adjusted net tax capacity of that city or county has decreased, if the dollar amount of the reduction in support is not greater than the dollar amount by which support would be decreased if the reduction in support were made in direct proportion to the decrease in adjusted net tax capacity.

(b) For calendar year 2009 and later, in any calendar year in which a city's or county's aid under sections 477A.011 to 477A.014 or credit reimbursement under section 273.1384 is reduced after the city or county has certified its levy payable in that year, it may reduce its local support by the lesser of:

(1) ten percent; or

(2) a percent equal to the ratio of the aid and credit reimbursement reductions to the city's or county's revenue base, based on aids certified for the current calendar year. For calendar year 2009 only, the reduction under this paragraph shall be based on 2008 aid and credit reimbursement reductions under the December 2008 unallotment, as well as any aid and credit reimbursement

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reductions in calendar year 2009. For pay 2009 only, the commissioner of revenue will calculate the reductions under this paragraph and certify them to the commissioner of education within 15 days of May 17, 2009.

(c) For taxes payable in 2010 and later, in any payable year in which the total amounts certified for city or county aids under sections 477A.011 to 477A.014 are less than the total amounts paid under those sections in the previous calendar year, a city or county may reduce its local support by the lesser of:

(1) ten percent; or

(2) a percent equal to the ratio of:

(i) the difference between (A) the sum of the aid it was paid under sections 477A.011 to 477A.014 and the credit reimbursement it received under section 273.1384 in the previous calendar year and (B) the sum of the aid it is certified to be paid in the current calendar year under sections 477A.011 to 477A.014 and the credit reimbursement estimated to be paid under section 273.1384; to

(ii) its revenue base for the previous year, based on aids actually paid in the previous calendar year. The commissioner of revenue shall calculate the percent aid cut for each county and city under this paragraph and certify the percentage cuts to the commissioner of education by August 1 of the year prior to the year in which the reduced aids and credit reimbursements are to be paid. The percentage of reduction related to reductions to credit reimbursements under section 273.1384 shall be based on the best estimation available as of July 30.

(d) Notwithstanding paragraph (a), (b), or (c), no city or county shall reduce its support for public libraries below the minimum level specified in subdivision 1.

(e) For purposes of this subdivision, "revenue base" means the sum of:

(1) its levy for taxes payable in the current calendar year, including the levy on the fiscal disparities distribution under section 276A.06, subdivision 3, paragraph (a), or 473F.08, subdivision 3, paragraph (a);

(2) its aid under sections 477A.011 to 477A.014 in the current calendar year; and

(3) its taconite aid in the current calendar year under sections 298.28 and 298.282.

Subd. 4a. [Repealed, 1Sp1997 c 4 art 8 s 6]

Subd. 5. [Repealed, 1989 c 329 art 10 s 5]

Subd. 6. [Repealed, 1Sp1989 c 1 art 5 s 51]

Subd. 7. **Proposed budget.** In addition to the annual report required in section 134.13, a regional public system that receives a basic system support grant under this section must provide each participating county and city with its proposed budget for the next year.

History: *1978 c 546 s 5; 1979 c 334 art 9 s 5,6; 1982 c 548 art 6 s 18; 1982 c 576 s 1; 1982 c 642 s 1; 1986 c 471 s 5; 1987 c 268 art 7 s 16,17; 1988 c 719 art 5 s 84; 1988 c 720 s 1; 1989 c 329 art 10 s 2,3; art 13 s 6,20; 1992 c 499 art 10 s 2,3; 1Sp1995 c 3 art 10 s 2; art 16 s 13; 1996 c 412 art 10 s 1; 1Sp1997 c 4 art 8 s 3; 1998 c 398 art 5 s 55; 2003 c 130 s 12; 1Sp2003 c 9 art 6 s 1,6; 2007 c 146 art 6 s 2; 2009 c 96 art 5 s 9,10; 2010 c 389 art 8 s 1*

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134.341 COUNTY FINANCIAL SUPPORT.

To ensure the availability of public library service to all people, every county shall provide financial support for public library services at no less than minimum amounts as specified in section 134.34 and shall participate in the regional public library system to which it is assigned by the commissioner of education under section 134.34, subdivision 3. Each county board of commissioners shall appoint at least one county resident to serve as a representative on the regional public library system board and may appoint more than one representative under terms and conditions of the regional public library system contract.

History: *1987 c 398 art 9 s 2; 1995 c 186 s 40; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

134.342 ALLOCATION OF LEVY AUTHORITY.

Subdivision 1. **Authority.** A regional public library system board may adopt a written resolution to assume responsibility for the allocation of the regional library system levy authority throughout the region. If adopted, the board shall furnish a list to the commissioners of revenue and education by July 1 of the levy year, containing the name of each member city, town, and county that will be participating in that regional system.

Subd. 2. [Repealed, 1992 c 511 art 5 s 18]

Subd. 3. **Allocation of authority.** A regional public library system board that has resolved to allocate library levy authority among its member cities, towns, and counties shall allocate the amount, up to the total amount certified to the board by the commissioner of revenue, and shall notify each member city, town, and county by August 15 of the levy year of its respective share of the total library levy for the region. Each member city, town, or county located in the region shall levy the amount negotiated and agreed upon by the board and each member city, town, or county.

The board shall certify to the commissioners of revenue and education by September 1 of the levy year, the levy amount allocated to each member city, town, and county in the regional library system.

Subd. 4. [Repealed, 1992 c 511 art 5 s 18]

History: *1990 c 604 art 3 s 5; 1Sp1995 c 3 art 16 s 13; 2003 c 130 s 12*

134.35 Subdivision 1. [Renumbered 134.355, subd 2]

Subd. 2. [Renumbered 134.355, subd 3]

Subd. 3. [Renumbered 134.355, subd 4]

Subd. 4. [Renumbered 134.355, subd 5]

Subd. 5. [Renumbered 134.355, subd 6]

Subd. 6. [Expired]

Subd. 6. [Renumbered 134.355, subd 7]

134.351 MULTICOUNTY, MULTITYPE LIBRARY SYSTEMS.

Subdivision 1. **Establishment.** The commissioner of education, upon the advice of the Advisory Council to the Office of Library Development and Services, may approve the establishment of multicounty, multitype library systems and the geographic boundaries of those

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systems.

Subd. 2. **Services.** Each multicounty, multitype library system is encouraged to develop services including, but not limited to the following: referral of users, intrasystem reciprocal borrowing, cooperative collection development, cooperative reference services, staff development, research and development, cooperative storage facilities, publicity and community relations.

Subd. 3. **Agreement.** In order for a multicounty, multitype library system to qualify for a planning, development or operating grant pursuant to sections 134.353 and 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 database; and

(e) A communications system among all cooperating libraries.

Subd. 4. **Governance.** (a) In any area where the boundaries of a proposed multicounty, multitype library system coincide with the boundaries of the regional library system or district, the regional library system or district board shall be designated as the governing board for the multicounty, multitype library system. In any area where a proposed multicounty, multitype library system encompasses more than one regional library system or district, the governing board of the multicounty, multitype library system shall consist of nine members appointed by the cooperating regional library system or district boards from their own membership in proportion to the population served by each cooperating regional library system or district. In each multicounty, multitype library system there shall be established an advisory committee consisting of two representatives of public libraries, two representatives of school media services, one representative of special libraries, one representative of public supported academic libraries, and one representative of private academic libraries. The advisory committee shall recommend needed policy to the system governing board.

(b) Upon recommendation from its advisory committee, a multitype library cooperation system governing board may choose to reconstitute the governance of the multitype system by the creation of a combined board which replaces the previous governing board and advisory committee. A combined board shall consist of five or seven citizens, not employed in library or information services, and four library or information service workers. The constituent regional public library system boards shall select the citizen members from the at-large population of the region. In any area where a multicounty, multitype library system encompasses more than one regional public library system, cooperating regional system boards shall appoint citizen members of the combined board members in proportion to the population of each cooperating regional system. The combined board members who are library and information workers shall be selected, one from each type of library: academic, public, school, and special. Governing board members of the combined board shall serve two-year terms for no more than three successive terms with the members of the first combined board serving one- and two-year terms as determined by lot with a simple majority serving for two years. Elections shall be pursuant to the adopted bylaws of the multitype system and may provide additional requirements to those in this section. New combined governing boards shall take effect at the beginning of the fiscal year, July 1, and shall continue the authority, ownership, and obligations of the previously constituted multitype system in its region.

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Subd. 5. **Property.** All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any multicounty multitype library system board shall vest in, and be held in the name of, the multicounty multitype library system board. Any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any multicounty multitype library system shall be deemed to have been made directly to the multicounty multitype library system board.

Subd. 6. **Ratification.** All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any multicounty multitype library system board is hereby validated, ratified and confirmed as the property of the board.

Subd. 7. **Reports.** Each multicounty, multitype system receiving a grant pursuant to section 134.353 or 134.354 shall provide an annual progress report to the Department of Education.

History: *1979 c 334 art 9 s 9; 1981 c 358 art 6 s 28-30; 1983 c 314 art 11 s 13,14; 1Sp1985 c 12 art 9 s 2; 1988 c 718 art 7 s 53; 1991 c 265 art 11 s 21; 1993 c 375 art 7 s 5; 1Sp1995 c 3 art 10 s 3; art 16 s 13; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

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

134.353 MULTICOUNTY, MULTITYPE LIBRARY SYSTEM DEVELOPMENT GRANT.

The commissioner of education may provide development grants to multicounty, multitype library systems. In awarding a development grant, the commissioner shall consider the extra costs incurred in systems located in sparsely populated and large geographic regions.

History: *1979 c 334 art 9 s 11; 1983 c 314 art 11 s 15; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

134.354 MULTICOUNTY, MULTITYPE LIBRARY SYSTEM OPERATING GRANT.

The commissioner of education may provide operating grants to multicounty, multitype library systems. In awarding an operating grant, the commissioner shall consider the extra costs incurred in systems located in sparsely populated and large geographic areas.

History: *1983 c 314 art 11 s 16; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

134.355 BASIC REGIONAL LIBRARY SYSTEM; SUPPORT.

Subdivision 1. **Appropriations.** Basic system support grants and regional library telecommunications aid provide the appropriations for the basic regional library system.

Subd. 2. **Grant application.** Any regional public library system which qualifies according to the provisions of section 134.34 may apply for an annual grant for regional library basic system support. Regional public library districts under section 134.201 may not compensate board members using grant funds. The amount of each grant for each fiscal year shall be calculated as provided in this section.

Subd. 3. **Per capita distribution.** Fifty-seven and one-half percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per capita. Each system's allocation pursuant to this subdivision shall be based on the population it serves.

Subd. 4. **Per square mile distribution.** Twelve and one-half percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per square mile. Each system's allocation pursuant to this subdivision shall be based on the area it serves.

Subd. 5. **Base grant distribution.** Five percent of the available grant funds shall be paid to

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each system as a base grant for basic system services.

Subd. 6. **Adjusted net tax capacity per capita distribution.** Twenty-five percent of the available grant funds shall be distributed to regional public library systems based upon the adjusted net tax capacity per capita for each member county or participating portion of a county as calculated for the second year preceding the fiscal year for which the grant is made. Each system's entitlement shall be calculated as follows:

(a) Multiply the adjusted net tax capacity per capita for each county or participating portion of a county by .0082.

(b) Add sufficient grant funds that are available under this subdivision to raise the amount of the county or participating portion of a county with the lowest value calculated according to paragraph (a) to the amount of the county or participating portion of a county with the next highest value calculated according to paragraph (a). Multiply the amount of the additional grant funds by the population of the county or participating portion of a county.

(c) Continue the process described in paragraph (b) by adding sufficient grant funds that are available under this subdivision to the amount of a county or participating portion of a county with the next highest value calculated in paragraph (a) to raise it and the amount of counties and participating portions of counties with lower values calculated in paragraph (a) up to the amount of the county or participating portion of a county with the next highest value, until reaching an amount where funds available under this subdivision are no longer sufficient to raise the amount of a county or participating portion of a county and the amount of counties and participating portions of counties with lower values up to the amount of the next highest county or participating portion of a county.

(d) If the point is reached using the process in paragraphs (b) and (c) at which the remaining grant funds under this subdivision are not adequate for raising the amount of a county or participating portion of a county and all counties and participating portions of counties with amounts of lower value to the amount of the county or participating portion of a county with the next highest value, those funds are to be divided on a per capita basis for all counties or participating portions of counties that received grant funds under the calculation in paragraphs (b) and (c).

Subd. 7. **Population determination.** Population shall be determined according to section 477A.011, subdivision 3.

Subd. 8. **Eligibility.** A regional public library system may apply for regional library telecommunications aid. The aid must be used for data and video access maintenance, equipment, or installation of telecommunication lines. To be eligible, a regional public library system must be officially designated by the commissioner of education as a regional public library system as defined in section 134.34, subdivision 3, and each of its participating cities and counties must meet local support levels defined in section 134.34, subdivision 1. A public library building that receives aid under this section must be open a minimum of 20 hours per week.

Subd. 9. **Telecommunications aid.** An application for regional library telecommunications aid must, at a minimum, contain information to document the following:

(1) the connections are adequate and employ an open network architecture that will ensure interconnectivity and interoperability with school districts, postsecondary education, or other governmental agencies;

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(2) that the connection is established through the most cost-effective means and that the regional library has explored and coordinated connections through school districts, postsecondary education, or other governmental agencies;

(3) that the regional library system has filed an e-rate application; and

(4) other information, as determined by the commissioner of education, to ensure that connections are coordinated, efficient, and cost-effective, take advantage of discounts, and meet applicable state standards.

The library system may include costs associated with cooperative arrangements with postsecondary institutions, school districts, and other governmental agencies.

Subd. 10. **Award of funds.** The commissioner of education shall develop an application and a reporting form and procedures for regional library telecommunications aid. Aid shall be based on actual costs of connections and funds available for this purpose. The commissioner shall make payments directly to the regional public library system.

History: *1978 c 546 s 6; 1979 c 334 art 9 s 7,8; 1981 c 358 art 6 s 27; 1Sp1985 c 12 art 9 s 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1991 c 265 art 10 s 4; 1993 c 375 art 7 s 4; 1Sp2001 c 3 art 4 s 3; 1Sp2003 c 9 art 6 s 2,3,5; 2004 c 294 art 5 s 22; 2007 c 146 art 11 s 18*

134.36 RULES.

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

History: *1978 c 546 s 7; 1981 c 358 art 6 s 31; 1983 c 314 art 11 s 17; 1998 c 398 art 5 s 55; 2003 c 130 s 12*

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*

134.41 LIBRARY CONSTRUCTION; JOINT FINANCING.

Subdivision 1. **Local government unit defined.** For purposes of this section, the term "local government unit" means a home rule charter or statutory city, county, or town.

Subd. 2. **Powers.** A local government unit may agree with other local government units to subject taxable property within their boundaries to taxation to discharge debt incurred for the construction of a library and related facilities. The portion of the debt to be discharged by taxation in each unit must be set by agreement. A unit may also agree to discharge a portion of the costs of construction or debt incurred for the costs by a transfer of money available to the unit that the unit is not obliged by law to use for some other purpose. A proposed agreement that has a town as a party must be approved at the town's annual meeting by the electors before the agreement is effective. Obligations for the purpose may be issued jointly by the agreeing units without an election and are not subject to the general limit on net debt in any unit. In other respects, the debt must be incurred and discharged in accordance with chapter 475.

History: *1987 c 380 art 2 s 1*

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134.45 LIBRARY ACCESSIBILITY AND IMPROVEMENT GRANTS.

Subdivision 1. **Application; definition.** Public library jurisdictions may apply to the commissioner of education for grants for improvements and accessibility to their library facilities. For the purposes of this section, "public library jurisdictions" means regional public library systems, regional library districts, cities, and counties operating libraries under chapter 134.

Subd. 2. **Approval by commissioner.** The commissioner of education, in consultation with the state Council on Disability, may approve or disapprove applications under this section. The grant money must be used to remove architectural barriers from a building or site, to renovate or expand an existing building for use as a library, or to construct a new library building.

Subd. 3. **Application forms.** The commissioner of education shall prepare application forms and establish application dates.

Subd. 4. **Match.** A public library jurisdiction applying for a grant under this section must match the grant with local funds.

Subd. 5. **Qualification; accessibility grants.** A public library jurisdiction may apply for a grant in an amount up to $200,000 or 50 percent of the approved costs of removing architectural barriers from a building or site, whichever is less. Grants may be made only for projects in existing buildings used as a library, or to prepare another existing building for use as a library. Renovation of an existing building may include an addition to the building if the additional space is necessary to provide accessibility or if relocating public spaces to the ground level provides improved overall accessibility. Grants must not be used to pay part of the cost of meeting accessibility requirements in a new building.

Subd. 5a. **Prohibition on pornographic use of internet.** A public library jurisdiction is not eligible for a grant under this section unless it has adopted a policy to prohibit library users from using the library's Internet access to view, print, or distribute material that is obscene within the meaning of section 617.241.

Subd. 5b. **Qualification; improvement grants.** A public library jurisdiction may apply for a grant in an amount up to $1,000,000 or 50 percent, whichever is less, of the approved costs of renovating or expanding an existing library building, or to construct a new library building.

Subd. 6. **Award of grants.** The commissioner, in consultation with the state Council on Disability, shall examine and consider all applications for grants. If a public library jurisdiction is found not qualified, the commissioner shall promptly notify it. The commissioner shall prioritize grants on the following bases: the degree of collaboration with other public or private agencies, the public library jurisdiction's tax burden, the long-term feasibility of the project, the suitability of the project, and the need for the project. If the total amount of the applications exceeds the amount that is or can be made available, the commissioner shall award grants according to the commissioner's judgment and discretion and based upon a ranking of the projects according to the factors listed in this subdivision. The commissioner shall promptly certify to each public library jurisdiction the amount, if any, of the grant awarded to it.

Subd. 7. **Project budget.** A public library jurisdiction that receives a grant must provide the commissioner with the project budget and any other information the commissioner requests.

Subd. 8. **Sale of public library funded with state bond proceeds.** If the commissioner of education and the local or regional governmental entity that owns a public library that has been improved with state bond proceeds under this section determines that the library is no longer

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usable or needed for the purposes for which the grant of state bond funds was made, the owner of the public library may sell the property in the manner authorized by law for the sale of other property owned by that jurisdiction for its fair market value. The sale must be approved by the commissioner of management and budget. Notwithstanding section 16A.695, subdivision 3, clause (2), the net proceeds must be applied as follows: first, to pay the state the amount of state bond proceeds used to acquire or better the property; and second, any remaining amount must be paid to the local or regional governmental owner of the property sold. When the sale is complete and the sale proceeds have been applied as provided in this subdivision, section 16A.695 no longer applies to the property and the property is no longer state bond financed property.

History: *1994 c 643 s 63; 1Sp1995 c 3 art 16 s 13; 1996 c 463 s 39,40; 2000 c 492 art 1 s 49; 2002 c 393 s 52; 2003 c 130 s 12; 2005 c 20 art 1 s 34; 2009 c 93 art 1 s 26; 2009 c 101 art 2 s 109*

134.46 [Repealed, 1Sp1997 c 4 art 9 s 13]

134.47 Subdivision 1. [Paragraph (a) renumbered 134.355, subd 8]

[Paragraph (b) renumbered 134.355, subd 9]

Subd. 2. [Renumbered 134.355, subd 10]

Subd. 3. [Repealed, 2004 c 294 art 5 s 22]

134.50 INTERNET ACCESS; LIBRARIES.

(a) Recognizing the difference between public libraries, which are designed for public inquiry, and school libraries, school computer labs, and school media centers, which serve unique educational purposes, all public library computers with access to the Internet available for use by children under the age of 17 must be equipped to restrict, including by use of available software filtering technology or other effective methods, all access by children to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law.

(b) A public library is not required to purchase filtering technology if the public library would incur more than incidental expense in making the purchase.

(c) A public library that receives state money must prohibit, including through the use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography. A public library may remove a person from the library if the person gains access or attempts to gain access to materials prohibited under this section by intentionally bypassing the filtering technology or other method used by the library.

(d) A public library, its agents or employees, are immune from liability for failure to comply with this section if they have made a good faith effort to comply with the requirements of this section.

(e) This section does not apply to the libraries of postsecondary institutions.

History: *2000 c 489 art 6 s 27*

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