

Section 4 is effective upon approval by the Little Falls city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 22, 1982

CHAPTER 576 — H.F.No. 1663

An act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 134.34, by adding a subdivision; 140.34; 140.35; 140.36; 140.37; 140.38; 140.39; 140.40; 140.44; 140.45; 140.46; and 480.09; Subdivision 5; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 134.34, is amended by adding a subdivision to read:

Subd. 6. REGIONAL LIBRARY DIRECTOR QUALIFICATIONS. Graduation with a masters degree in library media from a university accredited by a regional accrediting association shall qualify an individual for employment as a regional library director. The state board of education shall adopt rules pursuant to chapter 15 to comply with the requirements of this subdivision.

Sec. 2. Minnesota Statutes 1980, Section 140.34, is amended to read:

140.34 ESTABLISHMENT OF COUNTY LAW LIBRARY.

Any county may establish a county law library wherever sessions of court are required to be held by law upon the filing of an order by the judge of the county or county municipal court or by a judge of the judicial district in which the county is situated with the clerk of court of the county.

Sec. 3. Minnesota Statutes 1980, Section 140.35, is amended to read:

140.35 WHO MAY USE.

Under proper regulations, of the board of trustees the use of the library shall be free to the judges of the state, state officials, judges of the district, municipal, county, conciliation and probate courts of the county, city and county officials, members of the bar, and inhabitants of the county.

Sec. 4. Minnesota Statutes 1980, Section 140.36, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

140.36 MANAGEMENT BOARD OF TRUSTEES; COMPOSITION.

Subdivision 1. TRUSTEES. The management of any library so established shall be under a board of ~~either three or, five or seven~~ trustees, who shall serve without compensation.

A board of three trustees shall consist of:

(1) A judge of the district or county or county municipal court or such person as the judge of the district court may select appointed by the chief judge of the judicial district.

(2) A member of the county board selected by it at the its next regular meeting thereof after the order establishing the library is filed and thereafter at the annual election of officers.

(3) One member of the state bar association attorney admitted to the practice of law, residing in the county and selected by members of the state bar association who reside in the county attorney.

When the board consists of five trustees, the additional members shall be a judge of the municipal court, appointed by the chief judge of the judicial district and an additional member of the state bar association with the same qualifications as the first attorney admitted to the practice of law, residing in the county and selected by the county attorney. When the board consists of seven trustees, the additional members shall be provided for in the bylaws.

Subd. 2. MEMBERSHIP CHANGES. The bylaws shall state the procedure by which a board of trustees may increase or decrease its membership.

Subd. 3. JOINT LAW LIBRARY. Wherever a joint law library is established by order, or wherever two or more law libraries are maintained within one county, the board of trustees shall consist of a judge of the district or his designee, one judge from each county included in the order or from each district within a single county, or his designee, one member of the board of county commissioners from each county included in the order or from each district within a single county, to be selected by the county board at its annual election of officers, and one attorney admitted to the practice of law, residing in each county included in the order or in each district within a single county, to be selected by the county attorney of each county or district within the county.

Sec. 5. Minnesota Statutes 1980, Section 140.37, is amended to read:

140.37 BOARD OF TRUSTEES, MEETING MEETINGS; TERM OF OFFICE.

The trustees shall meet immediately after their selection and the board shall hold its annual meeting meetings thereafter on the first day of the first regular term of the district court in the county in each year. At its first meeting and At each annual meeting thereafter it shall select from elect one of its

members a president and a secretary to hold office until the next annual meeting another member or the librarian secretary. The secretary shall act as the staff of the board and shall attend all meetings and prepare and distribute all agenda matters.

All members of the board of law library trustees shall hold office for a term to be set in the bylaws.

Sec. 6. Minnesota Statutes 1980, Section 140.38, is amended to read:

140.38 BYLAWS AND REGULATIONS; POWERS; TITLE TO REMAIN IN COUNTY.

The board of trustees shall adopt bylaws and regulations for the conduct of its business and the government of the library and file same them, along with all other records, minutes of meetings and other documents relating to the governance of the library with the clerk of the court.

It may shall have powers necessary for the governance and maintenance of the library, including, but not limited to the power to:

(1) Amend its bylaws and regulations;

(2) On behalf of the county accept any gift, grant, devise, or bequest or the loan of books or property for the library, and carry out the conditions thereof;

(3) Purchase or lease books or library facilities, the purchase price to be paid out of with money from the county law library fund;

The title to the library and the property thereof, except such books as are leased or loaned to it, is in the county establishing the library.

(4) The board of trustees may Sell or exchange items of property of the library.

The title to the library and its property is in the county establishing the library.

Sec. 7. Minnesota Statutes 1980, Section 140.39, is amended to read:

140.39 REPORT TO COUNTY AUDITOR.

Before the second Monday of January each year The board of trustees shall file with the county auditor a report containing a detailed statement of the receipts and disbursements of the library for the preceding year, also an inventory showing the property belonging to the library or loaned or leased to it. The county auditor shall file with the board of trustees an annual report containing a detailed statement of the receipts and disbursements of the library for the preceding year. The board of trustees shall file an inventory with the county auditor showing the property belonging to the library or loaned or leased to the library.

Sec. 8. Minnesota Statutes 1980, Section 140.40, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

140.40 QUARTERS.

The county board shall provide suitable quarters within the courthouse for the use of the library, and shall also provide light, heat, janitor service and other necessary expenses of maintaining the library.

Sec. 9. [140.401] LIBRARIAN.

In Hennepin and Ramsey Counties the board of trustees shall appoint a librarian and necessary assistants and clerical help, and fix their compensation. In all other counties, where a librarian is not employed by the county, the board of trustees may appoint a librarian and necessary assistants and clerical help and, with the approval of the county board, fix their compensation. In all counties where services cannot be provided by the Minnesota state law library, the board of trustees may contract with regional library systems for services.

Sec. 10. [140.421] HENNEPIN AND RAMSEY COUNTIES; FEES FOR LAW LIBRARIES.

Subdivision 1. CIVIL ACTIONS. In Hennepin and Ramsey Counties, the district administrator or his designee shall collect in each civil suit, action or proceeding filed in the district, municipal and conciliation courts of the district, in the manner in which other fees are collected, a law library fee from:

(a) The plaintiff, petitioner or other person instituting the suit, action or proceeding, at the time of the filing of the first paper; and

(b) Each defendant, respondent, intervenor or other party who appears, either separately or jointly, to be collected at the time of the filing of the first paper by the defendant, respondent, intervenor or other party, or at the time when his appearance is entered in the case.

Subd. 2. PROBATE PROCEEDINGS. The district administrator or his designee shall collect a law library fee from the petitioner instituting proceedings for supervised and unsupervised guardianship, conservatorship, descent, formal and informal probate, trusts and summary assignments at the time of the filing of the petition. The disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement out of the estate.

Subd. 3. SETTING FEES. The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee in the district, probate, municipal and conciliation courts of the judicial district. All law library fees shall be published in the state register.

Sec. 11. [140.422] LIBRARY FEES COLLECTED IN ALL OTHER COUNTIES.

Subdivision 1. CIVIL FEE ASSESSMENT. In counties other than Hennepin and Ramsey, the clerk of court shall collect in each civil suit, action or proceeding filed in the district, county or county municipal and conciliation

courts of the county, in the manner in which other fees are collected, a law library fee from:

(a) The plaintiff, petitioner or other person instituting the suit, action or proceeding, at the time of the filing of the first paper; and

(b) Each defendant, respondent, intervenor or other party who appears, either separately or jointly, to be collected at the time of the filing of the first paper by the defendant, respondent, intervenor or other party, or at the time when his appearance is entered in the case.

Subd. 2. PROBATE PROCEEDINGS. The judge of the probate court or the registrar of probate or the clerk of court shall collect a law library fee from the petitioner instituting proceedings for supervised and unsupervised guardianship, conservatorship, descent, formal and informal probate, trusts and summary assignments at the time of the filing of the petition. The disbursement shall be an item of administration of the estate, entitling the petitioner to reimbursement out of the estate.

Subd. 3. CRIMINAL CONVICTIONS; FEE ASSESSMENT. The judge of district or county or county municipal court may, upon the recommendation of the board of trustees and by standing order, include in the costs or disbursements assessed against a defendant convicted in the district or county or county municipal court of the violation of any statute or municipal ordinance, in all criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty a county law library fee. The item of costs or disbursements may not be assessed for any offense committed prior to the establishment of the county law library.

Subd. 4. SETTING FEES. The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee for civil and criminal matters in the district, county or county municipal and conciliation courts of the county. The fee shall be initially set on July 1, 1982. Commencing with July 1, 1983, the law library fee shall be set every two years and shall remain in effect during that time. All law library fees shall be published in the state register.

Sec. 12. [140.423] LIMITATIONS.

The provisions of sections 10 and 11 shall not apply to actions or proceedings commenced by the state, the county or any municipality, to garnishment proceedings, to the filing of transcripts, to compensation awards, to proceedings under the Minnesota reciprocal enforcement of support act or to complaints in intervention in receivership proceedings.

Sec. 13. [140.431] TAXABLE AS COSTS.

The law library fee is a cost in the action and taxable as such, and is to be allotted for the support of the library.

Sec. 14. Minnesota Statutes 1980, Section 140.44, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

140.44 DEPOSITS WITH COUNTY TREASURER; COUNTY AUDITOR.

On the first day of each month, These fees shall be paid to the county treasurer or county auditor, who shall give his receipt therefor. The county treasurer or county auditor may disburse these funds and any other money belonging to this board only upon itemized vouchers, approved by the board at the direction of the board of trustees.

Sec. 15. Minnesota Statutes 1980, Section 140.45, is amended to read:

140.45 EXISTING LIBRARIES; JOINT LAW LIBRARIES.

Nothing in sections 140.34 to 140.46 shall affect the existence or organization of the county law libraries now established, but such By July 1, 1983, all county law libraries may shall come under the provisions of sections 140.34 to 140.46 upon proper application.

Two or more counties may unite in the establishment of a joint law library.

Sec. 16. Minnesota Statutes 1980, Section 140.46, is amended to read:

140.46 ANNUAL APPROPRIATION BY COUNTY BOARD.

The county board may appropriate annually a sum not in excess of \$2,000 for such library purposes in its discretion, provide for additional support and maintenance of the county law library out of county funds.

Sec. 17. [140.47] STATE LAW LIBRARIAN TO ASSIST.

The state law librarian, under the guidance of the supreme court, shall advise and assist in the operation and maintenance of the county law libraries.

Sec. 18. Minnesota Statutes 1980, Section 480.09, Subdivision 5, is amended to read:

Subd. 5. All moneys collected shall be paid into the state treasury and shall be added to the current biennial appropriation for the library.

Sec. 19. REPEALER.

Minnesota Statutes 1980, Sections 140.01; 140.02; 140.03; 140.04; 140.05; 140.06; 140.07; 140.08; 140.09; 140.10; 140.11; 140.12; 140.13; 140.14; 140.15; 140.16; 140.17; 140.18; 140.19; 140.20; 140.212; 140.22; 140.23; 140.24; 140.25; 140.26; 140.27; 140.28; 140.29; 140.30; 140.31; 140.32; 140.33; 140.41; 140.42; 140.43; 140.435; and Minnesota Statutes 1981 Supplement, Section 140.21, are repealed.

Sec. 20. EFFECTIVE DATE.

Sections 1 to 19 are effective the day after final enactment.

Approved March 22, 1982

Changes or additions are indicated by underline, deletions by ~~strikeout~~.