

Anti-trust law and the new economics. 37 MLR 505.

Legal meaning of monopoly. 37 MLR 539.

133.10 TEACHERS, COUNTY AND CITY OFFICIALS TO BE DISINTERESTED

A contract for the publication of a school annual between a school activity and the printing company is legal even though the teacher is a stockholder in the printing company. OAG Sept. 5, 1951 (90-C-4).

CHAPTER 134

LIBRARIES

134.03 TAX LEVIES FOR LIBRARY PURPOSES

A free county library for which a tax is levied for maintenance under the provisions of section 375.33 and which is supported jointly by a village and county tax levy if under control of the library board having power to adopt bylaws and regulations for the government of the library and the control of the rooms and building. They may, in their discretion, permit or deny the use of the library meeting room to civic or other organizations. The only limitation on their authority is that their acts be not unreasonable or arbitrary. OAG Dec. 5, 1947 (285-B).

134.07 LIBRARIES, READING ROOMS; TAX

HISTORY. 1879 c 106 s 1; 1893 c 100 s 1; 1901 c 93; 1903 c 173 s 1; 1913 c 509 s 1; 1945 c 319 s 1; 1953 c 434 s 1; 1953 c 686 s 1.

An officer, director, and stockholder in a newspaper corporation designated as the official publication of the city may hold a city office. OAG April 21, 1950 (90-E).

The library fund of the city of Faribault, established as such, must be exclusively used for the support of the library, and must function under its allotment under the 5-mill levy; but, under its home rule charter, the city may provide the lighting for the library building and other current and incidental expenses, like janitor service, supplies, heat, and repairs for the building out of its general fund. OAG March 1, 1948 (285-A).

Any contract with a contractor or architect relating to the construction of a library should be entered into by the village council after properly authorized by the library board, or if the contract is entered into by the library board there should be an approval by the village council. In any event, specifications should be drawn that there should be no violation of section 275.27; and while the contractor may be allowed to commence work prior to the receipts of the full amount necessary for completion of the contract the performance of the contract should be suspended during such periods if there are no funds available for payment. OAG Feb. 23, 1949 (285-A).

A village may expend money for its public library without levying a tax provided for by section 134.07. It may use moneys in its general fund for support of the library. OAG May 10, 1949 (285-A).

Expense of members of library boards in attending regional and state meetings of members of library boards may be paid if for the benefit of the library and if authorized by a resolution of the board. OAG Nov. 13, 1950 (285-A).

If the village council authorizes the library board to purchase grounds and erect a library building thereon, the further duties as to the employment of an architect and other duties connected with erecting the building and equipping and operating

the same rests entirely with the library board. The only limitation upon the board is obtained from the council authority to erect the building at a place stated. OAG Dec. 25, 1950 (285-A).

After acceptance by the village council of plans and specifications and contract for a library building, the library board may then proceed within limits prescribed by the approval without further approval by the village council. OAG Dec. 28, 1950 (285-A).

A village may contract with either the town or the county for library service. The consideration to be paid for such service by the town or county may be nominal. The village may use its funds to pay an attendant or to purchase books and periodicals to provide such service. OAG April 4, 1951 (285-A).

The power of a library board to appoint a librarian includes the power to determine the fitness of an applicant for that position, and if the board deems it advisable to have a personal interview with an applicant it would be proper to pay the expense of such applicant in coming to the place where the interview be had. The necessity of the expenditure is within the discretion of the board. OAG Nov. 21, 1949 (285-C).

The provisions of a home rule charter upon any subject proper for a municipal regulation prevails over the general statutes relating to the same subject-matter, except in those cases where the charter contravenes in the public policy as declared by the general laws, and in those instances where the legislature expressly declares that a general law shall prevail, or a purpose that it shall so prevail appears by fair implication. OAG Aug. 22, 1950 (519-C).

All villages are subject to the per capita tax law, section 275.11, and in any village of less than 3,000 population for 1947 the limit is \$57.50 per capita, in 1948, \$55 per capita and reduced gradually each year until in 1950 it reaches \$50 per capita. The total tax levy cannot exceed these per capita limitations. Under section 412.32 the total tax levy for the general fund cannot exceed 20 mills. Levy for the airport expenditure is controlled by section 360.037, subdivision 2. Money for water supply should come out of the general fund, except as supplied by bond issues, water rentals, and assessments on benefited property. If the county poor system prevails the village needs no poor fund; but if the township system is in effect, a tax levy for poor funds is subject to no limitation. Under section 441.253 a levy may be made upon the property of the village for construction or repair of streets. This levy is in addition to the 20 mill levy for general corporate purposes. Section 134.07 controls the levy for library purposes, limited to five mills. All taxes voted and levied must be in specific amounts and not in percentage of the assessed valuation. OAG Nov. 4, 1947 (519-I).

Villages may levy an annual tax of not to exceed five mills for library purposes. OAG Nov. 4, 1947 (519-I); OAG Dec. 1, 1947 (519-Q).

134.08 WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES

The president and secretary of the village library board established under section 134.08 et seq., are not entitled to the monthly salaries described under section 134.10. OAG May 26, 1953 (285-A).

134.09 DIRECTORS; TERM; REMOVAL

No authority exists by which a county may pay the members of the county library board for services or disbursements. OAG May 22, 1948 (285-B).

134.11 ORGANIZATION OF BOARD; RULES

Any contract with a contractor or architect relating to the construction of a library should be entered into by the village council after properly authorized by the library board, or if the contract is entered into by the library board there should be an approval by the village council. In any event, specifications should be drawn that there should be no violation of section 275.27; and while the contractor may be allowed to commence work prior to the receipts of the full amount necessary for completion of the contract the performance of the contract should be suspended

during such periods if there are no funds available for payment. OAG Feb. 23, 1949 (285-A).

The special provisions of section 134.11 give the library board exclusive control of the expenditure of library funds, with the one exception that the approval of the council is required in the purchase of grounds for erection of a library building thereon. The provisions of section 134.11 are not controlled by the provisions of section 426.06. OAG April 11, 1949 (285-A).

The library fund should be paid into the village treasury and paid out on itemized vouchers approved by the library board. No authority exists for the election of a treasurer of the library board. OAG Feb. 3, 1950 (285-A).

Where a site has been abandoned and a library building is about to be erected thereon, as between the library board and the village, the duty of disposing of the old buildings on the proposed site is imposed upon the village council. Any instrument transferring title to the buildings now on the site should be executed in the name of the village by its mayor and clerk with corporate seal affixed and only pursuant to authority from the council. OAG April 12, 1951 (285-A).

Title to "personal property in old library building" is in the village and not in the library board and the village council by a majority vote may dispose of the property and determine into what fund the proceeds of the sale shall be paid. OAG April 16, 1953 (285-A).

The power of a library board to appoint a librarian includes the power to determine the fitness of an applicant for that position, and if the board deems it advisable to have a personal interview with an applicant, it would be proper to pay the expense of such applicant in coming to the place where the interview be had. The necessity of the expenditure is within the discretion of the board. OAG Nov. 21, 1949 (285-C).

Contracts for the improvement of a library building costing \$1,000 or more should be let by the library board after calling for bids. OAG Sept. 26, 1949 (707-A-15).

134.12 BENEFITS OF LIBRARY

HISTORY. 1903 c 173 s 1; 1905 c 257 s 1; 1913 c 509 s 2; 1951 c 217 s 1.

A village may contract with either the town or the county for library service. The consideration to be paid for such service by the town or county may be nominal. The village may use its funds to pay an attendant or to purchase books and periodicals to provide such service. OAG April 4, 1951 (285-A).

A contract between the county board and the city library board wherein the city agreed to furnish library service to the inhabitants of the county not then served by public libraries, and thereafter the contract was terminated, title to books and equipment was in the city rather than in the county. The contract was a service contract and no title ever rested in the county. OAG Feb. 26, 1952 (285-A).

The county library board of Stearns county has no authority to rent an automobile on an annual rental basis for the purpose of maintaining a portable circulating library. OAG Oct. 21, 1952 (285-A).

134.14 TITLE TO PROPERTY; FREE USE

HISTORY. 1903 c 173 s 8, 9.

Where the library site had a building thereon not fit for library purposes, the village could transfer the title to the building by an instrument executed in the name of the village by its mayor and clerk with the corporate seal fixed and pursuant to authority from the village council. OAG April 12, 1951 (285-A).

134.15 GIFTS; CONTRACTS

No authority exists by which a county may pay members of the county library board for services or disbursements. OAG May 22, 1948 (285-B).