

CHAPTER 140

LAW LIBRARIES

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140.01 HENNEPIN, RAMSEY, ST. LOUIS COUNTIES. In counties having a population of 200,000 or more, the district court may authorize and require the county board, or other body in charge of the court-house, to provide rooms therein for the uses of a law library when the owner of any such library offers to furnish and maintain the same for a term of at least ten years and to give the free use thereof under proper regulations to all the judges of the district, municipal, and probate courts of the county and to all city and county officials having offices at the county-seat. Upon petition therefor being filed with the clerk setting forth a proposal and plan for the furnishing of such library and the reasons for accepting the same, the court shall fix a time for hearing thereon and direct that a copy of its order and of the petition be served upon the county attorney and upon the attorney of the city constituting the county-seat at least eight days before the date so fixed. Such attorneys shall appear and oppose the petition, if they or either of them believe that the public interests would not be subserved by granting the same. The court shall hear all parties appearing and inquire as to the character of the library offered and as to the ability of its owner to carry out the terms of the offer made and to meet the conditions proper to be imposed. If satisfied that such library should be installed, the court shall make an order therefor, prescribing the duties of the owner in respect thereto, directing that suitable rooms be provided in the court-house for its accommodation with necessary light, heat, and janitor service, and requiring the county board and city council to appropriate annually, until the further order of the court, not less than \$1,200, nor more than \$1,750, for the salary of a librarian and other necessary expense of caring for such library; which sum shall be apportioned by the order between such city and county. The owner shall retain the title and management of the library, appoint the librarian thereof, and make rules and regulations for its use; but no such rules shall restrict the access of public officials thereto, unless the same are approved by a judge of the district court. The library shall be maintained by the owner in reasonable repair and efficiency and, upon his failure so to do, the court may cancel any or all orders made hereunder and require the library to be removed. The several officials of the city and county shall take all necessary steps for carrying out the provisions of this section and all orders of the court made thereunder.

[R. L. s. 2264; 1931 c. 327] (5670)

140.02 QUARTERS. In any county now or hereafter having a population of 100,000 or over, the county board or other body in charge of the court-house of such county, or the construction thereof, is hereby authorized to provide rooms therein

for the use of law libraries, and such county board or other body in charge of such court-house may install such libraries therein by purchase, leasing, or securing the same from an individual or association upon such terms and conditions as to them shall be deemed for the interest of the people.

[1907 c. 77 s. 1] (5670-1)

140.03 LAW LIBRARIES IN HENNEPIN COUNTY. In each county now or hereafter having more than 475,000 inhabitants there may be established a county law library.

[1933 c 291 s 1] (5670-2)

140.04 FREE USE AS PUBLIC LIBRARIES. The use of such county law library shall be free to the judges of the state, to state officials, to all the judges of the district, municipal, and probate courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation.

[1933 c 291 s 2] (5670-2a)

140.05 HENNEPIN COUNTY; EXISTING LAW LIBRARY TURNED OVER TO COUNTY. In each county to which sections 140.03 to 140.18 are applicable, when any law library association or corporation owning or maintaining a law library at, or convenient to, the courthouse in such county, shall give written notice to the judges of the district court in and for such county that it will permit the free use of its library in accordance with the provisions of section 140.04 upon the payment to it of the fees provided for in section 140.06, and when the certificate of a majority of such judges setting forth the fact that such law library association or corporation will permit such free use of its law library, shall be filed in the office of the clerk of such district court, such law library shall become and be a county law library entitled to receive the fees provided for in section 140.06. The clerk of the district court shall file a certified copy of this certificate with the clerk of the probate court and with the clerk of each municipal court then existing or thereafter established in the county.

[1933 c 291 s 3; 1949 c 568 s 1; 1957 c 224 s 1] (5670-2b)

140.06 FEES IN CIVIL ACTION TO BE COLLECTED FOR UPKEEP OF LIBRARY. Subdivision 1. After the filing of such certificate with the clerk of the district court, it shall be the duty of the clerk to collect in each civil suit, action or proceeding filed in such district court, in the manner in which other fees are collected therein, and in addition thereto, as law library fees, the sum of \$2 from the plaintiff, petitioner or person instituting such suit, action or proceeding, at the time of filing of the first paper therein, and the sum of \$2 from each defendant, respondent, intervenor or other party who shall appear therein, either separately or jointly, to be collected at the time of the filing of the first paper by such defendant, respondent, intervenor or other party or at the time when his or their appearance is entered in the case. Such law library fees shall be costs in the case and taxable as such.

Subd. 2. After the filing of a certified copy of such certificate with the clerk of any municipal court in such county, it shall be the duty of such clerk to collect in each civil suit, action or proceeding filed in such court, in the manner in which other fees are collected therein, and in addition thereto, as library fees, the sum of \$2 from the plaintiff or person instituting such suit, action or proceeding at the time of the filing of the first paper therein. Such law library fees shall be costs in the case and taxable as such.

Subd. 3. After the filing of a certified copy of such certificate with the clerk of the probate court of such county, it shall be the duty of such clerk to collect from the person filing in such court a petition for the general or special administration of an estate, a petition for a decree of descent, a petition for the appointment of a guardian, a petition for the probate of a will, or a petition for summary assignment or distribution, at the time of the filing of any such petition, the sum of \$2 as a law library fee, which fee shall be allowed as part of the cost of administration of any such estate.

[1933 c 291 s 4; 1949 c 568 s 2; 1957 c 224 s 2] (5670-2c)

140.07 CERTAIN ACTIONS EXCEPTED. The provisions of section 140.06 shall not apply to actions commenced by the state or any municipality therein, to garnishment proceedings, or to compensation awards.

[1933 c 291 s 5] (5670-2d)

140.08 COLLECTIONS PAID TO ASSOCIATION MONTHLY. On the first day

of each month the clerk of the court making such collections shall pay to such law library association or corporation all the law library fees collected for the preceding month taking its receipt therefor.

[1933 c 291 s 6] (5670-2e)

140.09 NO FEES PAID IN CERTAIN CASES. So long as such payments are made by the clerk to the law library association or corporation, no cash payments required to be made under the provisions of section 140.01 shall be made to such law library association or corporation.

[1933 c 291 s 7] (5670-2f)

140.10 LIBRARY ASSOCIATION TO RETAIN TITLE AND MANAGEMENT.

The law library association or corporation shall retain the title and management of the county law library, appoint the librarian thereof, and make rules and regulations for its use, which may provide that no books shall be removed from the library except by the judges of the district, municipal, and probate courts of the county, without the payment of such dues or making such deposit as the law library association or corporation may provide.

[1933 c 291 s 8] (5670-2g)

140.11 LIBRARY ASSOCIATION TO MAINTAIN LIBRARY. The county law library shall be maintained by the law library association or corporation in a manner satisfactory to a majority of the judges of the district court in and for such county. Upon its failure so to do, whenever a certificate of a majority of the judges of the district court in and for such county setting forth the fact that the law library association or corporation has so failed is filed with the clerk of the court, the law library fees herein provided for shall cease and such law library shall thereafter be subject to such laws for its support as exist on April 17, 1933.

[1933 c 291 s 9] (5670-2h)

140.12 TO BECOME PUBLIC LIBRARY, WHEN. When any law library association or corporation owning such a library shall give the written notice provided in section 140.05, the library shall become a public library, as provided in sections 140.03 and 140.04, but such public use of the library and the support thereof, as herein provided, shall cease at the end of one year from the commencement of such arrangement, except in the event hereinafter set out.

[1933 c 291 s 10] (5670-2i)

140.13 LIQUIDATION OF LIBRARY ASSOCIATION. If and when during the one-year period at least 95 percent of the stockholders of such association or corporation shall deposit with the district court of the county their shares of stock endorsed to the county, so that title of 95 percent of the stock of the association shall be vested in the county, it shall thereupon become the duty of the officers of the corporation to bring an action in the district court of the county to liquidate the corporation. The owners of the remaining stock not endorsed to the county shall be made defendants, and the court, upon the hearing of trial of the action, shall decree a dissolution of the corporation and decree to the stockholders who have not endorsed their stock to the county such portion of the assets of the corporation, in kind, in proportion as the number of shares owned by such stockholders bears to the whole number of stock outstanding. Such division shall be made by the court or by a referee appointed by the court for that purpose. Upon such division being made, all of the personal property of such library association or corporation, except the portion so allotted to the stockholders, shall become the property of the county, and the library shall thereafter be owned and maintained by the county in the manner set forth in section 140.14.

[1933 c 291 s 11] (5670-2j)

140.14 COUNTY BOARD MAY PROVIDE FOR MAINTENANCE IN CERTAIN CASES. For the support of the library there shall be allotted the fees prescribed in section 140.06, and such other amounts as are now provided by law; provided, that the board of county commissioners of such county may in its discretion provide for the support and maintenance of such county law library out of county funds and, if such provision for such support and maintenance is made, the county commissioners shall certify that fact to the clerk of the district court of such county and thereupon the collection of fees provided for in section 140.06 shall cease.

[1933 c 291 s 12] (5670-2k)

140.15 BOARD OF LAW LIBRARY TRUSTEES TO MANAGE LIBRARY. The management of this library shall be under a board of law library trustees to be chosen for the terms and in the manner following:

The board shall consist of seven members;

Two district judges of the county to be selected by the district judges of the county;

One municipal judge to be selected by the municipal judges of the principal city in the county;

Three members of the bar to be elected by the members or stockholders of the oldest incorporated bar association in the county;

One member of the board of county commissioners to be selected by the county board at its annual election of officers of the board.

[1933 c 291 s 13] (5670-2l)

140.16 TERM OF OFFICE. All members of the board of trustees, except the county commissioner, shall hold office for four years.

[1933 c 291 s 14] (5670-2m)

140.17 TITLE TO LIBRARY TO BE IN COUNTY. The title to this library shall be in the county and the board of trustees may sue and be sued in the name of the county. The trustees shall serve without compensation. The board shall elect one of its number president, and the librarian shall act as secretary. The board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary and to fix their compensation.

[1933 c 291 s 15] (5670-2n)

140.18 FEES COLLECTED BY CLERK OF DISTRICT COURT, CLERK OF THE PROBATE COURT, AND CLERK OF THE MUNICIPAL COURT DEPOSITED WITH COUNTY TREASURER. The clerk of the district court, the clerk of the probate court and the clerks of any municipal court in such counties shall thereafter pay all the library fees collected by him or them, pursuant to section 140.06, to the treasurer of the county, who is hereby authorized to disburse the same and any other moneys belonging to the library, upon the order of the trustees, to pay the necessary expenses of the library.

[1933 c 291 s 16; 1949 c 568 s 3] (5670-2o)

140.19 RAMSEY COUNTY, LAW LIBRARY. In each county having more than 350,000 and less than 500,000 inhabitants, there is hereby established a law library.

[1935 c 184 s 1; 1957 c 381 s 1] (5670-3)

140.20 WHO MAY USE. The use of such law library shall be free to the judges of the state, to state officials, to all the judges of the district, municipal, and probate courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county under proper regulation.

[1935 c 184 s 2] (5670-3a)

140.21 FEES. It shall be the duty of the clerk of the district court of such county to collect in each civil suit, action or proceeding filed in such court, in the manner in which other fees are collected therein and in addition thereto, as law library fees, the sum of \$2 from the plaintiff or person instituting such suit, action or proceeding, at the time of the filing of the first paper therein, and the sum of \$2 from the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others, to be collected when his or their appearance is entered in such action or proceeding or when the first paper on his or their part is filed therein. Such law library fees shall be costs in the case, and taxable as such, and shall be allotted for the support of said library.

[1935 c 184 s 3; 1947 c 242 s 1; 1957 c 381 s 2] (5670-3b)

140.22 LIMITATIONS. The provisions of section 140.21 shall not apply to actions or proceedings commenced by the state or any municipality therein, to garnishment proceedings, to the filing of transcripts, to compensation awards, or to complaints in intervention in receivership proceedings.

[1935 c 184 s 4] (5670-3c)

140.23 FEES PAID TO COUNTY TREASURER. On the first day of each month the clerk of the court making collection of such fees shall pay the same to the treasurer of the county taking his receipt therefor and the county treasurer is authorized and directed, upon itemized vouchers approved by the board of law library trustees, to disburse the same and any other money belonging to the board to pay the necessary expenses of equipping and maintaining the library.

[1935 c 184 s 5] (5670-3d)

140.24 LAW LIBRARY TRUSTEES. The management of the law library shall be under a board of law library trustees, who shall serve without compensation, to be chosen for the terms and in the manner following: The board shall consist of seven members, namely, two district judges of the county, to be selected by the district judges thereof; one municipal judge to be selected by the municipal judges of the principal city in the county; three members of the bar to be elected by the oldest bar association in the county affiliated with the Minnesota state bar association in the manner provided in the by-laws of the county bar association; one member of the board of county commissioners, to be selected by the county board annually at its annual election of officers of the board.

All members of the board of law library trustees, except the county commissioner, shall hold office for four years.

The board of law library trustees shall elect one of its members president and another member secretary and the board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary, fix their compensation, and provide rules and regulations for the management thereof.

[1935 c 184 s 6] (5670-3e)

140.25 MAY ACQUIRE LIBRARIES. The board of law library trustees, in the name of the county, may acquire and maintain such library by gift, grant, donation, bequest, purchase, lease, or loan and title to such library shall vest and be in the county. The board of law library trustees may sell or exchange such items in the library to such persons and upon such terms as the board may deem best.

[1935 c 184 s 7] (5670-3f)

140.26 LAW LIBRARIES ESTABLISHED IN CERTAIN COUNTIES. In each county now or hereafter having an assessed valuation excluding money and credits in excess of \$12,000,000 and having a population of not less than 15,000, and not more than 25,000, inhabitants according to the last federal census, and having not less than 20, or more than 22, full or fractional Congressional townships and also in each county now or hereafter having an assessed valuation, exclusive of moneys and credits, in excess of \$15,000,000, and having a population of not less than 31,000, and not more than 37,000, inhabitants according to the last federal census, and not having less than 20, or more than 22, full or fractional Congressional townships, a law library shall be established upon filing with the clerk of district court of such county the order therefor of a judge of said district residing in said county.

[1945 c. 397 s. 1]

140.27 WHO MAY USE. The use of such library shall be free to the judges of the state, to state officials, to all judges of the district, municipal and probate courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation.

[1945 c. 397 s. 2]

140.28 SUPERVISION. Subdivision 1. **Board of trustees.** The management of any library so established shall be under a board of law library trustees who shall serve without compensation, to be chosen for the terms and in the manner following: Said board shall consist of five members, namely, the judge of district court residing in said county, or if no such judge resides in said county, then the senior judge of district court, one member of the board of county commissioners of said county to be elected by the said county board at its annual election of officers, and three members of the oldest county bar association of said county to be elected by the members of such county bar association, which said election shall be held under the supervision of and rules prescribed by the said judge of district court.

Subd. 2. **Appointment by judge; vacancy; election.** The judge of district court shall appoint one of the members of the board so elected to a term of three years, one to a term of two years and one to a term of one year. At the expiration of their respective terms, each shall be elected for a term of one year. Vacancies shall be filled by election for the unexpired term.

Subd. 3. **Meetings.** The board shall meet immediately after its appointment or election and shall hold its annual meeting thereafter on the first day of the first regular term of the district court in the county in each year, at which first meeting and at each meeting thereafter it shall select from its members a president and a secretary, who shall each hold office until the following annual meeting.

[1945 c. 397 s. 3]

140.29 BYLAWS, RULES. The board of trustees shall adopt and may from time to time thereafter amend and alter such bylaws, rules and regulations for the conduct of its business, the government of such library and the use thereof as shall be expedient and conformable to law. It may accept on behalf of the county any gift, grant, devise or bequest, or the loan of books or other property for the use or purposes of such library, and carry out the conditions of such donation or loan. It may purchase books or other library facilities upon conditional sales contracts or otherwise, the purchase price therefor to be paid out of the county law library fund. The title to such library and the property thereof, except such books as shall be leased or loaned to it, shall vest and be in the county establishing such library. The board of trustees may sell or exchange items of the property of such library which it deems no longer suitable or advantageous for the purposes of such library, upon such terms as it may deem best. It shall, before the second Monday of January of each year, file with the county auditor a report containing a detailed statement of the receipts and disbursements for the preceding year and a detailed inventory of the property belonging to such library and the property loaned or leased to it. The county board shall provide suitable quarters for the use of such library.

[1945 c. 397 s. 4]

140.30 FINANCING. It shall be the duty of the clerk of the district court of such county to collect in each civil suit, action or proceeding filed in such court, in the manner in which other fees are collected therein and in addition thereto, as law library fees, the sum of \$2 from the plaintiff or person instituting such suit, action or proceeding at the time of filing the first paper therein, and the sum of \$2 from the defendant or other adverse or intervening party to be collected when his or their appearance is entered in such action or proceeding, or when the first paper on his or their part is filed therein. The library fee herein provided for may be reduced to \$1 upon a majority vote of the board of trustees.

Such county law library fees shall be costs in the case and taxable as such. The provisions of this section 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, or to complaints in intervention in receivership proceedings.

[1945 c. 397 s. 5; 1959 c. 519 s. 1]

140.31 CHARGE IN PROBATE COURT CASES. It shall be the duty of the judge of probate court, when such law library is established, in such proceeding in his court in the matter of the estate of a deceased person looking to the entry of a decree of distribution of such estate, excepting in summary proceedings instituted pursuant to Minnesota Statutes, Section 525.51, to collect, as a county law library fee, the sum of \$2 from the petitioner instituting such proceeding at the time of the filing of the petition therein. Such disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement therefor out of the estate. The library fee herein provided for may be reduced to \$1 upon a majority vote of the board of trustees.

[1945 c. 397 s. 6; 1959 c. 519 s. 2]

140.32 DEPOSIT WITH COUNTY TREASURER. On the first day of each month, the official making collection of such fees shall pay the same to the county treasurer of said county, taking his receipt therefor, and said county treasurer is authorized and directed upon itemized vouchers approved by the board of law library trustees to disburse the same and other money belonging to said board to pay the necessary expenses of equipping and maintaining such library.

[1945 c. 397 s. 7]

140.33 COUNTY BOARD MAY APPROPRIATE. The county board of such county may appropriate annually a sum not exceeding \$1,000 for such library purposes.

[1945 c. 397 s. 8]

140.34 ESTABLISHMENT OF COUNTY LAW LIBRARY. Any county may establish a county law library upon the filing of an order by the judge of the judicial district in which the county is situated with the clerk of court of the county.

[1949 c. 184 s. 1]

140.35 WHO MAY USE. Under proper regulations, the use of the library shall be free to the judges of the state, state officials, judges of the district, municipal,

and probate courts of the county, city and county officials, members of the bar, and inhabitants of the county.

[1949 c 184 s 2]

140.36 MANAGEMENT. The management of any library so established shall be under a board of either three or five trustees, who shall serve without compensation.

A board of three trustees shall consist of:

(1) A judge of the district court or such person as the judge of the district court may select.

(2) A member of the county board selected by it at the 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 residing in the county selected by members of the state bar association who reside in the county.

When the board consists of five trustees the additional members shall be a judge of the municipal court, and an additional member of the state bar association with the same qualifications as the first.

[1949 c 184 s 3]

140.37 BOARD OF TRUSTEES, MEETING. The trustees shall meet immediately after their selection and the board shall hold its annual meeting 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 its members a president and a secretary to hold office until the next annual meeting.

[1949 c 184 s 4]

140.38 BYLAWS AND REGULATIONS. The board of trustees shall adopt bylaws and regulations for the conduct of its business and the government of the library and file same with the clerk of the court.

It may:

(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 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.

The board of trustees may sell or exchange items of property of the library.

[1949 c 184 s 5]

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.

[1949 c 184 s 6]

140.40 QUARTERS. The county board shall provide suitable quarters for the use of the library.

[1949 c 184 s 7]

140.41 CONTRIBUTION FROM DISTRICT COURT CASES. Subdivision 1. When the law library is established the clerk of the district court shall collect in each civil suit, action, or proceeding filed in such court, as library fees, the sum of \$2 from the plaintiff or person instituting such suit, action, or proceeding at the time of filing the first paper therein, and the sum of \$2 from the defendant or other adverse or intervening party at the time his appearance is entered or when the first paper on his part is filed therein. The library fee herein provided for may be reduced to \$1 upon a majority vote of the board of trustees.

Subd. 2. These library fees are taxable as costs in the case.

Subd. 3. The provisions of sections 140.34 to 140.46 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 or to complicity in intervention in receivership proceedings.

[1949 c 184 s 8; 1959 c 519 s 3]

140.42 FEES, MUNICIPAL COURT CASES. Subdivision 1. Subject to section 140.435, when the county law library is established the clerk of any municipal court in such county shall collect in each civil suit, action, or proceeding filed in such

court, as law library fees, the sum of \$2 from the plaintiff or person instituting such suit, action or proceeding, at the time of filing the first paper therein. The library fee herein provided for may be reduced to \$1 upon a majority vote of the board of trustees.

Subd. 2. These library fees shall be taxable as costs in the case.

Subd. 3. The provisions of this section shall not apply to actions or proceedings commenced by the state, county, or any municipality, or to garnishment proceedings.

[1949 c 184 s 9; 1953 c 523 s 1; 1959 c 519 s 4]

140.43 FEES, PROBATE COURT CASES. Subdivision 1. Subject to section 140.435, when the county law library is established the judge of the probate court in proceedings in his court in the matter of the estate of a deceased person looking to the entry of a decree of distribution of such estate, except in any summary proceeding under Minnesota Statutes, Section 525.51 shall collect, as a county law library fee, the sum of \$2 from the petitioner instituting the proceeding at the time of the filing of the petition therein. The library fee herein provided for may be reduced to \$1 upon a majority vote of the board of trustees.

Subd. 2. Such disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement therefor out of the estate.

[1949 c 184 s 10; 1953 c 523 s 2; 1959 c 519 s 5]

140.435 JUDGE'S ORDER AS TO COLLECTION OF FEES. The judge in his original order establishing the county law library, or in a subsequent supplemental order, may direct that the municipal court clerk or the probate court judge, shall or shall not, thereafter collect library fees.

[1953 c 523 s 3]

140.44 DEPOSITS WITH COUNTY TREASURER. On the first day of each month, these fees shall be paid to the county treasurer, who shall give his receipt therefor. The county treasurer may disburse these funds and any other money belonging to this board only upon itemized vouchers, approved by the board.

[1949 c 184 s 11]

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 libraries may 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.

[1949 c 184 s 12]

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.

[1949 c 184 s 13]