

CHAPTER 134

LIBRARIES

Sec.		Sec.	
134.01	Maintenance	134.13	Directors now in office; report; exceptions
134.02	Funds	134.14	Title to property; free use
134.03	Tax levy	134.15	Gifts; contracts
134.04	State department of education to furnish list of books	134.16	Certain cities and towns to establish portable and circulating libraries
134.06	School and city libraries may combine	134.18	Privileges extended to counties and villages
134.07	Libraries, reading rooms; tax	134.19	Tax for library board
134.08	When established by vote; existing libraries	134.21	Interstate library compact
134.09	Directors; term; removal	134.22	Compact administrator
134.10	Vacancies; compensation	134.23	Agreements
134.11	Organization of board; rules	134.24	Enforcement of compact
134.12	Benefits of library		

134.01 MAINTENANCE. Every school district may provide library facilities as part of its school equipment according to the standards of the state board of education.

[1921 c. 397 s. 1] (3015)

134.02 FUNDS. The school board of any district may vote sufficient funds for the maintenance of the school library, appoint a librarian, and make rules for the use and management of the library.

[1921 c. 397 s. 2] (3016)

134.03 TAX LEVY. In cities of less than 2,000 inhabitants not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district and provide ample and suitable rooms for its use in the school buildings and in any independent school district embracing any such city, where a library building has been erected with funds donated for library purposes, the school district may levy an annual tax of not more than one mill, the proceeds of which tax shall be used for the support and maintenance of this library and known as the "library fund."

Upon a library being so established in any such school district, whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members, of which each member of the school board shall be a member ex officio.

The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years, and one for three years, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter, such school board shall appoint a member of the library board for the term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such.

Immediately after appointment, such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the school district in an amount fixed by the library board, conditioned for the faithful discharge of his official duties. The library board shall adopt such by-laws and regulations for the government of the library and reading-room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for, or placed to the credit of, the library funds, and of the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district, credited to the library fund, and be paid out only upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure.

All books or other property given, granted, conveyed, donated, devised, or bequeathed to, or purchased by, such library shall vest in, and be held in the name

of, such school district. Every library and reading-room established hereunder shall be free to the use of the inhabitants of the school district, subject to such reasonable regulations as the directors may adopt.

When so established, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

[1921 c 397 s 3; 1929 c 210; 1973 c 123 art 5 s 7; 1973 c 773 s 1] (3017)

134.04 STATE DEPARTMENT OF EDUCATION TO FURNISH LIST OF BOOKS. The state department of education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel, and science.

[1921 c. 397 s. 4] (3018)

134.05 [Repealed, 1963 c 10 s 1]

134.06 SCHOOL AND CITY LIBRARIES MAY COMBINE. Any school board may contract with the board of any approved county or city library to become a branch of this public library and to receive therefrom library books suited to the needs of the pupils in the school and for the community according to the standards established in the rules of the state board of education. In the event of a contract between the school board and the public library board, the school board may place in the public library such books belonging to the school library as may be more useful in the public library for students and the community and the school board shall annually pay to the library board the school library book fund and the state library aid to which such school district is entitled. All books purchased by this public library from funds provided by the school district or state school library aid shall be selected from the state list for school libraries.

In the event of the making of such contract, a librarian shall be employed who meets the standards of the state board of education and the school board and the library board may jointly employ such librarian, who may spend her time partly in the school and partly in the library.

[1921 c 397 s 6; 1973 c 123 art 5 s 7] (3020)

134.07 LIBRARIES, READING ROOMS; TAX. Subdivision 1. The governing body of any city may establish and maintain a public library, a public reading room, or both, for the use of its inhabitants. By ordinance it may set apart for the benefit thereof any public property of the city. Except as provided in subdivision 2, in any statutory city and in any city of the second, third, or fourth class, the governing body thereof may levy an annual tax of not more than 2.6% mills on the dollar, of all taxable property therein. The proceeds of any such tax shall be known as the library fund.

Subd. 2. The governing body of any city of the fourth class located in any county having over 7,000 and less than 9,000 inhabitants and over 70 full and fractional congressional townships, operating under a home rule charter, may levy an annual tax of not to exceed 1.6% mills for such purposes, notwithstanding any limitation contained in its home rule charter.

[R L 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] (5661)

134.08 WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES. If such library or reading-room be not otherwise established, the governing body of the municipality, upon the petition of 50 freeholders thereof, shall submit the question of such establishment to the voters at the next municipal election. If two-thirds of the votes cast on the question be in the affirmative, the governing body shall establish the library or reading-room and levy a yearly tax for its support, within the limits fixed by section 134.07. All public libraries and reading-rooms heretofore established and now existing in cities are continued and all ordinances 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.

[R L s 2256; 1973 c 123 art 5 s 7] (5662)

134.09 DIRECTORS; TERM; REMOVAL. Subdivision 1. When any such library or reading room is established, except in any city of the first class operat-

ing under a home rule charter, the mayor of the city or president of the statutory city, with the approval of the council, shall appoint a board of five, seven or nine directors, but not more than one of whom shall at any time be a member of such governing body, such appointments to be made prior to the first meeting of such library board after the end of the fiscal year. If nine are appointed, three shall hold office for one year, three for two years and three for three years. If seven members be appointed, three shall hold office for one year, two for two years, and two for three years; if five be appointed, two shall hold office for one year, two for two years, and one for three years. The number of directors on the board shall be determined by resolution or ordinance adopted by the council. All terms shall end with the fiscal year. Annually thereafter such mayor or president shall appoint for the term of three years and until their successors qualify a sufficient number of directors to fill the places of those whose term or terms expire.

Subd. 2. The mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect.

Subd. 3. Terms of directors in office at the time Laws 1945, Chapter 46, takes effect shall expire at the end of the city's fiscal year current at the expiration of their terms as heretofore provided.

Subd. 4. Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of such city may abolish such library board at the end of any fiscal year provided that such governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. In the event of such resolution or ordinance, the mayor, with the approval of the council, shall appoint a library board of the number of members as provided by said resolution or ordinance. If nine are appointed, three shall hold office for one year, three for two years and three for three years. If seven members be appointed, three shall hold office for one year, two for two years, and two for three years; if five be appointed, two shall hold office for one year, two for two years, and one for three years. Annually thereafter such mayor shall appoint for the term of three years and until their successors qualify a sufficient number of directors to fill the places of those whose term or terms expire. All terms shall end with the fiscal year.

[R L 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] (5663)

134.10 VACANCIES; COMPENSATION. Vacancies in the board of directors shall be reported to the council and filled by like appointment for the unexpired term. Directors shall receive no compensation for their services as such.

[R. L. s. 2258] (5664)

134.11 ORGANIZATION OF BOARD; RULES. Immediately after appointment, such 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 and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the municipality in an amount fixed by the directors, conditioned for the faithful discharge of his official duties. The board shall adopt such bylaws and regulations for the government of the library and reading-room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All moneys received for such library shall be paid into the city treasury, credited to the library fund, kept separate from other moneys of the municipality, and paid out only upon itemized vouchers approved by the board. The board may lease rooms for library use, fix the compensation of employees, and remove any of them at pleasure. With the approval of the council, the board may purchase grounds and erect a library building thereon.

[R L s 2259; 1973 c 123 art 5 s 7] (5665)

134.12 BENEFITS OF LIBRARY. Subdivision 1. **Non-residents to receive.** Any board of directors may admit to the benefits of its library persons not residing within the municipality under regulations and upon conditions as to payment and security prescribed by it.

Subd. 2. **Loan of books, contracts.** The board may contract with the county board of the county in which the library is situated or the county board of any adjacent county, or with the governing body of any neighboring town or city, to

loan books of the library, either singly or in traveling libraries, to residents of the county, town, or city.

Subd. 3. Use of free public library; tax levy. Any such county board or governing body may contract with the board of directors of any free 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 free library, upon the terms and conditions as those granted residents of the city where the library is located, and to pay such board of directors an annual amount therefor. Any such county board or 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 free public library and all taxable property which is situated outside of any city in which is situated a free public library.

[*R L 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*] (5666)

NOTE: See also section 375.33.

134.13 DIRECTORS NOW IN OFFICE; REPORT; EXCEPTIONS. The directors of any such library or reading room in office under existing laws shall so continue until the expiration of their terms, but their successors shall be appointed and vacancies filled under the provision of sections 134.08 to 134.15. At the first regular meeting of the board following the end of each fiscal year of a city, the board shall report to the governing body of the municipality all amounts received during the preceding year and the sources thereof, the amounts expended and for what purposes, the number of books on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of such report shall be filed with the Library Division, State Department of Education. Nothing in this section shall apply to libraries in cities of the first class.

[*R L s 2261; 1911 c 181 s 1; 1945 c 40 s 1; 1973 c 123 art 5 s 7*] (5667)

134.14 TITLE TO PROPERTY; FREE USE. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any municipality for a library or reading-room shall vest in, and be held in the name of, such municipality 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 such municipality. Every library and reading-room established under sections 134.08 to 134.15 shall be forever free to the use of the inhabitants of the municipality subject to such reasonable regulations as the directors may adopt.

[*R. L. s. 2262*] (5668)

134.15 GIFTS; CONTRACTS. With the consent of the governing body of any city, expressed by ordinance or resolution, and within the limitations of sections 134.08 to 134.15 as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for 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 such donation. The municipality 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.

[*R L s 2263; 1973 c 123 art 5 s 7*] (5669)

134.16 CERTAIN CITIES AND TOWNS TO ESTABLISH PORTABLE AND CIRCULATING LIBRARIES. The board of supervisors of any town containing five or more governmental townships and having a total population of 15,000, including statutory cities therein which are not separated from the town for election and assessment purposes, may establish and maintain a portable circulating library for the education, benefit, and welfare of the people of the town.

For this purpose, the board may purchase and equip a motor vehicle and furnish a driver, a librarian, and such further clerical assistance as it shall deem reasonably necessary for the maintenance of such library, and the library board of such city is hereby authorized to cooperate with the town in the maintenance thereof and to loan books and periodicals to the town on such terms as it shall prescribe.

All expenditures made for the purposes of this section shall be within and not above the limitations now prescribed by law for the general fund of such town.

[*1933 c 176 s 1; 1973 c 123 art 5 s 7*] (5669-1)

134.17 [Repealed, 1965 c 45 s 73]

134.18 PRIVILEGES EXTENDED TO COUNTIES AND VILLAGES. 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.

[1907 c 289 s 1; 1973 c 123 art 5 s 7] (1591)

134.19 TAX FOR LIBRARY BOARD. There may be annually levied by, or for the benefit of, 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, a tax of not to exceed one-third of mill upon each dollar of the property in such city, as the value of such property has been assessed and determined for the purposes of general taxation.

[1907 c 289 s 2; 1973 c 773 s 1] (1592)

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

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.

[1967 c 4 s 1]

134.22 COMPACT ADMINISTRATOR. The state board of education shall designate an officer or employee of the state 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 and units as he deems desirable to effectuate the purposes of this compact; and consult and cooperate with the compact administrators of other party states.

[1967 c 4 s 2]

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 the compact administrator and consultation with him.

[1967 c 4 s 3]

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.

[1967 c 4 s 4]