

## CHAPTER 134A

### COUNTY LAW LIBRARIES

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#### 134A.01 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 a district court judge of the judicial district in which the county is situated with the court administrator of the county.

**History:** 1949 c 184 s 1; 1982 c 576 s 2; 1Sp1986 c 3 art 1 s 82; 1998 c 254 art 2 s 9

#### 134A.02 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, and conciliation courts of the county, city and county officials, members of the bar, and inhabitants of the county.

**History:** 1949 c 184 s 2; 1982 c 576 s 3; 1995 c 189 s 8; 1996 c 277 s 1

#### 134A.03 BOARD OF TRUSTEES; COMPOSITION.

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

A board of three trustees shall consist of:

- (1) a person appointed by the chief judge of the judicial district;
- (2) a member of the county board selected by it at its next regular meeting after the order establishing the library is filed and thereafter at the annual election of officers; and
- (3) one attorney admitted to the practice of law, residing in the county and selected by the county attorney.

When the board consists of five trustees, the additional members shall be a judge appointed by the chief judge of the judicial district and an additional 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 a designee, one judge from each county included in the order or from each district within a single county, or a 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.

**History:** 1949 c 184 s 3; 1982 c 576 s 4; 1984 c 401 s 1; 1986 c 444

#### **134A.04 BOARD OF TRUSTEES, MEETINGS; TERM OF OFFICE.**

The trustees shall meet immediately after their selection and the board shall hold annual meetings thereafter. At each meeting it shall elect one of its members president and 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.

**History:** 1949 c 184 s 4; 1982 c 576 s 5

#### **134A.05 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 them, along with all other records, minutes of meetings and other documents relating to the governance of the library with the court administrator.

It 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 with money from the county law library fund;
- (4) sell or exchange items of property of the library.

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

**History:** 1949 c 184 s 5; 1982 c 576 s 6; 1Sp1986 c 3 art 1 s 82

#### **134A.06 REPORT TO COUNTY AUDITOR.**

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.

**History:** 1949 c 184 s 6; 1982 c 576 s 7

**134A.07 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.

**History:** 1949 c 184 s 7; 1982 c 576 s 8

**134A.08 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.

**History:** 1982 c 576 s 9

**134A.09 HENNEPIN AND RAMSEY COUNTIES; FEES FOR LAW LIBRARIES.**

Subdivision 1. **Civil actions.** In Hennepin and Ramsey Counties, the district administrator or a 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 the party's appearance is entered in the case.

Subd. 2. **Probate proceedings.** The district administrator or a 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. 2a. **Petty misdemeanor cases and criminal convictions; fee assessment.** In Hennepin County and Ramsey County, the district court administrator or a designee may, upon the recommendation of the board of trustees and by standing order of the judges of the district court, include in the costs or disbursements assessed against a defendant convicted in the district court of the violation of a statute or municipal ordinance, a county law library fee. This fee may be collected in all petty misdemeanor cases and 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. When a defendant is convicted of more than one offense in a case, the county law library fee shall be imposed only once in that case.

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, municipal, and conciliation courts of the judicial district. All law library fees shall be published in the State Register.

**History:** 1982 c 576 s 10; 1986 c 444; 1991 c 119 s 1; 1993 c 29 s 1; 1995 c 189 s 8; 1996 c 277 s 1; 2009 c 83 art 2 s 6

**134A.10 LIBRARY FEES COLLECTED IN ALL OTHER COUNTIES.**

Subdivision 1. **Civil fee assessment.** In counties other than Hennepin and Ramsey, the court administrator 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 the party's appearance is entered in the case.

Subd. 2. **Probate proceedings.** The judge of the district court or the registrar of probate or the court administrator 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. **Petty misdemeanor cases and criminal convictions; fee assessment.** The judge of district 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 court of the violation of any statute or municipal ordinance, in all petty misdemeanor cases and 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. When a defendant is convicted of more than one offense in a case, the county law library fee shall be imposed only once in that case. 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, including petty misdemeanor cases, in the district and conciliation courts of the county. The fee shall be set on July 1 each year and remain in effect until changed. All law library fees shall be published in the State Register.

**History:** 1982 c 576 s 11; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 4 s 1; 1993 c 29 s 2,3; 1995 c 189 s 8; 1996 c 277 s 1; 2009 c 83 art 2 s 7

**134A.11 LIMITATIONS.**

The provisions of sections 134A.09 and 134A.10 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.

**History:** 1982 c 576 s 12

**134A.12 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.

**History:** 1982 c 576 s 13

**134A.13 DEPOSITS WITH COUNTY TREASURER; COUNTY AUDITOR.**

These fees shall be paid to the county treasurer or county auditor, who shall give a receipt therefor. The county treasurer or county auditor may disburse these funds and any other money belonging to this board only at the direction of the board of trustees.

**History:** 1949 c 184 s 11; 1982 c 576 s 14; 1986 c 444

**134A.14 EXISTING LIBRARIES; JOINT LAW LIBRARIES.**

By July 1, 1983, all county law libraries shall come under the provisions of sections 134A.01 to 134A.15.

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

**History:** 1949 c 184 s 12; 1982 c 576 s 15

**134A.15 ANNUAL APPROPRIATION BY COUNTY BOARD.**

The county board may in its discretion, provide for additional support and maintenance of the county law library out of county funds.

**History:** 1949 c 184 s 13; 1982 c 576 s 16

**134A.16 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.

**History:** 1982 c 576 s 17

**134A.17 TRANSFERS TO COUNTY.**

Subdivision 1. **Sherburne County.** If the Sherburne County Law Library, through its trustees, has a fiscal reserve that is projected to sustain its operations for a period of over five years, the Sherburne County Law Library may transfer up to half of the money in its fiscal reserve, but not to exceed \$200,000, to Sherburne County to defray costs of constructing a new building to house the law library and courts.

Subd. 2. **Polk County.** If at any time the Polk County Law Library, through its trustees, has a fiscal reserve that is projected to sustain its operations for a period of over five years, the Polk County Law Library may transfer up to half of the money in its fiscal reserve, but not to exceed \$150,000, to Polk County to defray costs of technological improvements to the Polk County Courthouse.

**History:** 2017 c 95 art 2 s 3; 1Sp2017 c 4 art 2 s 28; 2020 c 117 s 1; 5Sp2020 c 1 s 1