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Failed to Pass House

Senate File 201

February 4, 1947.
Passed on File.

By BEKMAN, KIRKETEG and KNUDSON.

A BILL FOR

An Act to provide for the establishment and maintenance of free public libraries for the use of rural inhabitants of counties.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Counties may provide for the formation and
2 maintenance of free public libraries open to the use of all
3 inhabitants under proper regulations, and may purchase, erect,
4 or rent buildings or rooms suitable for this purpose and provide
5 for the compensation of necessary employees.

1 Sec. 2. A county library district may be established,
2 composed of any part of the area of one or more counties outside
3 of cities and towns and may include therein any part of the area
4 of any such city or town. Five percent of the electors, as
5 determined by the vote for governor at the last general election,
6 may petition the governing body or bodies having jurisdiction of
7 the area comprising such district for the establishment of such
8 county library. Said petition shall clearly designate the limits
9 of such district. Upon receipt and verification of said petition
10 the governing body or bodies of such area shall submit the proposi-
11 tion to the electors within such area at the next general election
12 if said election occurs not less than forty days after the filing

13 of said petition. A county library district shall be established
14 if a majority of the electors in such proposed district vote in
15 favor of such proposal.

1 Sec. 3. Counties may receive, hold and dispose of all gifts,
2 donations, devises, and bequests that may be made to them for the
3 purpose of establishing, increasing, or improving any library.
4 When the conditions thereof have been accepted by the county,
5 their performance may be enforced by the library board by an
6 action of mandamus against the board of supervisors or by other
7 proper action. The county board of supervisors may apply the
8 profits accruing therefrom to best promote the prosperity and
9 utility of the library.

1 Sec. 4. A county library board of trustees shall be appointed
2 consisting of five, seven, or nine electors of the library dis-
3 trict. Said appointments shall be made by the governing body or
4 bodies of the taxing units comprising said districts and membership
5 on the board shall be apportioned among the taxing units to be
6 served in proportion to the population of the separate units.

1 Sec. 5. Of said trustees so appointed on boards to consist
2 of nine members, three shall hold office for two years, three for
3 four years, and three for six years; on boards to consist of
4 seven members, two shall hold office for two years, two for four
5 years, and three for six years; and on boards to consist of five
6 members, one shall hold office for two years, two for four years,
7 and two for six years, from the first day of July following their
8 appointment in each case. At their first meeting they shall cast

9 lots for their respective terms, reporting the result of such lot
10 to the board of supervisors. All subsequent appointments, what-
11 ever the size of the board, shall be for terms of six years each.
12 Vacancies shall be filled for unexpired terms by the governing
13 body of the taxing unit of the district represented by the retir-
14 ing member.

1 Sec. 6. The board of library trustees may declare the office
2 of a trustee vacant by his removal from the library district or
3 his unexplained absence from six consecutive regular meetings.

1 Sec. 7. Members of said board shall receive no compensation
2 for their services.

1 Sec. 8. Said board of library trustees shall have and
2 exercise the following powers :

3 1. To meet and organize by the election of one of their
4 number as president of the board, and by the election of a
5 secretary and such other officers as the board may deem necessary.

6 2. To have charge, and supervision of the public
7 library, its appurtenances and fixtures, and rooms containing
8 the same, directing and controlling all the affairs of such
9 library.

10 3. To employ a librarian, such assistants and employees as
11 may be necessary for the proper management of said library, and
12 fix their compensation; but, prior to such employment, the com-
13 pensation of such librarian, assistants, and employees shall be
14 fixed for the term of employment by a majority of the members
15 of said board voting in favor thereof.

16 4. To remove such librarian, assistants, or employees by
17 a vote of two-thirds of such board for misdemeanor, incompetency,
18 or inattention to the duties of such employment.

19 5. To select and make purchases of books, pamphlets, maga-
20 zines, periodicals, papers, maps, journals, furniture, fixtures,
21 stationery, and supplies for such library.

22 6. To authorize the use of such libraries by school corpora-
23 tions or by nonresidents of the area which is taxed to support
24 such libraries and to fix charges therefor.

25 7. To make and adopt, amend, modify, or repeal bylaws,
26 rules, and regulations, not inconsistent with law, for the care,
27 use, government, and management of such library and the business
28 of said board, fixing and enforcing penalties for the violation
29 thereof.

30 8. To have exclusive control of the expenditures of all
31 taxes levied for library purposes as provided by law, and of the
32 expenditures of all moneys available by gift or otherwise for the
33 erection of library buildings, and of all other moneys belonging
34 to the library fund, including fines and rentals collected under
35 the rules of the board of trustees. Said board shall keep a
36 record of its proceedings.

37 9. To accept gifts of any property, including trust funds;
38 to take the title to said property in the name of said library;
39 to execute deeds and bills of sale for the conveyance of said
40 property; and to expend the funds received by them from such
41 gifts, for the improvement of said library.

1 Sec. 9. Library service shall be accomplished by one or
2 more of the following methods in whole or in part:

3 1. By the establishment of depositories of books to be
4 loaned at stated times and places.

5 2. By the transportation of books by conveyances for lend-
6 ing the same at stated times and places.

7 3. By the establishment of branch libraries for lending
8 books.

1 Sec. 10. The board of supervisors shall levy annually on
2 the taxable property of the county outside of any city or town
3 that maintains a free public library a tax of not more than two
4 mills for the establishment and maintenance of such county library.

1 Sec. 11. All moneys received and set apart for the mainte-
2 nance of such library shall be deposited in the treasury of such
3 county to the credit of the library fund, and shall be kept by
4 the treasurer separate and apart from all other moneys, and
5 paid out upon the orders of the board of trustees, signed by
6 its president and secretary.

7 Provided that where a free public library is maintained
8 jointly by the county and city or town for the support and
9 maintenance of which each contributes, the library trustees
10 may elect a library treasurer therefor, and it shall be the
11 duty of the city and county treasurers to pay over to said
12 library treasurer any and all library taxes that may be col-
13 lected by them monthly.

1 Sec. 12. The board of trustees shall, immediately after

2 the close of each fiscal year, make to the board of supervisors
3 a report containing a statement of the condition of the library,
4 the number of books added thereto, the number circulated, the
5 number not returned or lost, the amount of fines collected, and
6 the amount of money expended in the maintenance thereof during
7 such year, together with such further information as it may
8 deem important.

1 Sec. 13. In any county in which a free library has been
2 established, the board of library trustees may condemn real
3 estate in the name of the county for the location of library
4 buildings and branch libraries, and for the purpose of enlarging
5 the grounds thereof.

1 Sec. 14. The board of library trustees shall on or before
2 August 1 of each year certify to the governing body or bodies
3 of the county library district the amount in mills to be levied
4 on all the taxable property in each taxing unit of the district.
5 Said levy shall be determined by fixing the amount in dollars
6 to be raised in each taxing unit on a proportionate population
7 basis and from such amount the millage rate necessary to raise
8 such amount in said taxing unit. The governing bodies shall
9 make such levies accordingly for the following purposes:

- 10 1. Not to exceed two mills for a library maintenance fund.
11 Any unexpended balance in the library maintenance fund at the
12 end of the fiscal year shall remain in said fund and be avail-
13 able without reappropriation.
- 14 2. Not to exceed three-fourths mills for a building fund.

15 Said fund shall be used only for the purchase of real estate
16 and to erect library buildings, to pay interest on any indebted-
17 ness, and to create a sinking fund to retire such indebtedness.
18 When all indebtedness of the district has been fully paid, the
19 building fund may be used for improvements and repairs, to pay
20 rentals on leased space, and to establish and operate branch
21 libraries and stations in districts where no branch library
22 buildings have been acquired or erected. Any balance in the
23 building fund may be transferred to the maintenance fund.

1 Sec. 15. The trustees of any county library district may
2 incur indebtedness for the purpose of purchasing real estate
3 and erecting library buildings.