

LEGISLATIVE BILL 362

Approved by the Governor March 17, 1999

Introduced by Hartnett, 45

AN ACT relating to libraries; to state intent; to provide for public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; and to provide powers and duties.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds and declares that public libraries are vital to the quality of life in Nebraska communities and that public libraries provide access to information resources for the personal, educational, and vocational needs of the citizens. The Legislature further finds that public library services can be improved by permitting creative and flexible means of library governance and organization. It is the intent of the Legislature to encourage cooperation and collaboration among political subdivisions to assure access to public library services for every Nebraskan.

Sec. 2. For purposes of this act:

(1) Basic public library services includes, but is not limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services;

(2) Local governing authority means the governing body of a county, city, village, or township; and

(3) Public library federation means a library service agency of one or more counties responsible for a planned program of library services to be provided through public libraries which choose to affiliate with the federation.

Sec. 3. (1) Upon the request of two or more local governing authorities within a county, the county board may establish a public library federation.

(2) The county board shall appoint seven residents of the county to the public library federation board. At least four members of the public library federation board shall represent communities whose public libraries have affiliated with the federation. The members shall be appointed to broadly represent the county's population.

(3) Each member of the public library federation board shall serve a term of not less than three nor more than five years as determined by the county board, except that the terms of the initial appointments may vary in length so that terms will expire in a staggered fashion. If a vacancy exists, the unexpired term shall be filled by appointment by the county board.

(4) A member of the public library federation board shall not receive compensation for services rendered as a board member but may be reimbursed for actual and necessary expenses incurred in the performance of official duties from the public library federation fund.

Sec. 4. (1) Upon the request of two or more local governing authorities within each of two or more adjoining counties, the county boards may jointly establish a public library federation.

(2) Each county board shall appoint two residents of the county to the public library federation board. At least one member from each county shall represent communities whose public libraries have affiliated with the federation. The members appointed by the county boards shall appoint an additional member. The members shall be appointed to broadly represent each county's population.

(3) Each member of the public library federation board shall serve a term of not less than three nor more than five years as jointly determined by the county boards, except that the terms of the initial appointments may vary in length so that terms will expire in a staggered fashion. If a vacancy exists in the membership from one of the participating counties, the unexpired term shall be filled by appointment by the appropriate county board.

(4) A member of the public library federation board shall not receive compensation for services rendered as a board member but may be reimbursed for actual and necessary expenses incurred in the performance of official duties from the public library federation fund.

Sec. 5. (1) The public library federation board shall be responsible for the general governance of the public library federation, but affiliated libraries shall retain governance of all aspects of local library operations. The board shall make and adopt bylaws, rules, and regulations for the board's guidance and for the governance of the federation. The board

shall develop a long-range public library service plan for the provision of public library service to the area included in the federation.

(2) The board may designate and determine the compensation of a library federation director. The director shall be responsible to the board only in relationship to federation operations.

(3) The board shall develop and present an annual budget in support of the annual public library plan to each participating county board. The public library federation board shall administer and authorize the expenditure of all money received from taxes and other sources in support of federation public library service.

(4) The board may contract with other public entities for services.

(5) The method of federating libraries provided in this act shall not be the exclusive way to provide joint or cooperative library services. Nothing in this act shall prohibit a county, city, village, or township from entering into an agreement pursuant to the Interlocal Cooperation Act concerning library services.

Sec. 6. Upon the establishment of a public library federation and a public library federation board, each participating county board shall establish a public library federation fund to be supported from the general fund of each participating local governing authority or from a public library tax levy. Any local governing authority which is not affiliated with the public library federation shall not be subject to the levy. The levy shall be subject to section 77-3442. The amount of tax support for the federation shall be subject to an agreement among the participating local governing authorities. All money received for the federation shall be remitted to the county treasurer for credit to the public library federation fund.

Sec. 7. The local governing authority of each existing public library within a county participating in a public library federation shall either choose to affiliate with the federation or shall choose to exempt itself from the federation. A county, city, village, or township public library that chooses to affiliate with the federation shall agree to provide basic public library services free of charge to all residents within the federation area. Residents within the area of a public library that has chosen to exempt itself from the federation shall not be entitled to participate in programs of the public library federation. The public library board of a county, city, village, or township shall retain its authority and autonomy regardless of whether or not the public library is an affiliate of the federation.

Sec. 8. The public library federation board shall submit an annual report of activities and operations to the Nebraska Library Commission and to the participating local governing authorities.

Sec. 9. The title to property, equipment, and library materials of a public library federation acquired with funds of the public library federation shall be vested in the participating local governing authorities as reflected by an agreement entered into before the formation of the federation. The title to property, equipment, and library materials of an affiliated public library shall remain in the affiliated public library. Removal or disposal of public library federation property shall be determined by the public library federation board. The property of any public library federation shall be exempt from execution and taxation as is other public property.

Sec. 10. An affiliate of a public library federation may, by a two-thirds majority vote of the local governing authority, withdraw from affiliation with the federation after giving one year's notice.

Sec. 11. A public library federation may, by a two-thirds majority vote of the library federation board, be dissolved after one year's notice. In the event of the dissolution of a public library federation, the participating local governing authorities shall determine the disposition of all federation assets on a prorated basis to affiliated public libraries.