Bill No. 64 of 1948.

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF PUBLIC LIBRARIES.

NOTE.

This Bill repeals The Public Libraries Act and enacts a new Act to replace it.

The principal change in the new Act is the addition of sections providing for the establishment of regional public libraries and the amendment of existing sections to make them applicable to regional public libraries.

Sections 5 to 8 under the heading of "Administration of Act" are new. The Co-ordinator of Cultural Activities and the Alberta Library Board, both appointed pursuant to *The Cultural Development Act*, administer this Act and it is deemed advisable to make reference to their duties in sections 5 and 6.

Sections 7 and 8 provide for a Supervisor of Public Libraries who will inspect the public libraries and ensure the proper disbursement of government grants.

Part I deals with the establishment and powers of municipal public libraries. Sections 9 to 25 contain all the provisions of the present Act which specifically apply to municipal public libraries only and they are practically unchanged. In section 22(2) the term for which debentures may be issued in respect of frame, stucco, or brick veneer buildings has been increased from ten to fifteen years.

Part II deals with the establishment and powers of regional public libraries. Sections 26 to 31 are new. Both in British Columbia and Saskatchewan there is legislation providing for regional public libraries which are established, maintained and operated by agreement between one or more municipalities. This Part provides that regional public libraries may be similarly established in Alberta by agreement between municipalities, and the provisions of this Bill are modelled on those of the Saskatchewan statute. Section 27 gives the Lieutenant Governor in Council wide powers to make regulations governing the establishment, maintenance, operation, management and inspection of regional public libraries.

Section 28 enables a municipality to contribute to regional public libraries to the same extent as it can contribute under the present Act to a municipal public library. Regional public libraries may serve outlying points and section 29 provides for grants from the government to assist in the establishment and maintenance of such libraries. Sections 30 and 31 dealing with incorporation and dissolution of such libraries are similar to the sections presently applying to municipal public libraries.

Part III deals with the authorization and operation of association public libraries. Sections 32 and 33 are similar to the provisions in the present Act which provide that a person or association may be authorized to provide public library service in an area where it is not otherwise provided pursuant to this Act. Sections 34 and 35 which provide for inspection of records, the making of returns and the termination of an association public library are new. As these libraries may receive government book grants, provisions regarding inspection and termination of such libraries were deemed necessary.

Part IV, sections 36 to 38, deals with book grants and reading room grants. Section 36 providing for such grants is similar to the present provision, but due to the increased cost of books the amount that may be granted is increased from three hundred dollars to five hundred dollars. Section 37 is new and enables similar book grants and reading room grants to be paid in respect of branch libraries in cities with a population in excess of fifty thousand. However, book grants to branch libraries are limited to three hundred dollars. Section 38 providing for similar grants to association public libraries is the same as the present provision.

Part V contains provisions of general application to public libraries. Sections 39 to 60 are practically the same as the provisions of the present Act with such minor amendments as were necessary to make them applicable to regional public libraries. Section 39 provides for the levying of "The Public Library Rate" not exceeding one and one-half mills. This allows a council to levy an additional one-half mill where necessary as the maximum in the present section is presently one mill. Section 61 repeals the present Public Libraries Act but continues all public libraries previously created as municipal public libraries under this Act.

> W. S. GRAY, Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 64 of 1948.

An Act to provide for the Establishment of Public Libraries.

| (Assented to | , 1948.) |
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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "The Public Libraries Act."

INTERPRETATION.

- 2. In this Act, unless the context otherwise requires,—
 - (a) "Alberta Library Board" means the library board established pursuant to the provisions of *The Cultural Development Act*;
 - (b) "Association public library" means a person or association of persons whether incorporated or not. designated by the Minister as an association public library pursuant to the provisions of Part III of this Act;
 - (c) "Board" means the board of management of any municipal public library or of any regional public library established pursuant to the provisions of this Act;
 - (d) "Council" means the council or other chief governing body, as the case may be, of any municipality;
 - (e) "Mayor" means the mayor of any city, town or village and the reeve of any municipal district;
 - (f) "Minister" means the Minister of Economic Affairs;
 - (g) "Municipality" means any city, town, village or municipal district;
 - (h) "Municipal public library" means a municipal public library established pursuant to the provisions of Part I of this Act;
 - (i) "Public library" means any municipal public library, regional public library or association public library established pursuant to the provisions of this Act;
 - (j) "Qualified librarian" means a librarian who has been granted a degree in Library Science from an accredited university;

(k) "Regional public library" means a regional public library established pursuant to the provisions of Part II of this Act.

ESTABLISHMENT OF LIBRARIES.

3. A free library may be established in any municipality or region in the manner hereinafter provided which may be a municipal public library, a regional public library, or an association public library.

4. Where a public library is so established, a free reading room may be operated in connection therewith.

ADMINISTRATION OF ACT.

5. The Co-ordinator of Cultural Activities appointed pursuant to *The Cultural Development Act* shall work with the Alberta Library Board and shall assist the Board in carrying out its functions.

6. The function of the Alberta Library Board shall be to encourage the establishment, co-ordination, expansion and development of library facilities in the Province.

7. Subject to the provisions of *The Public Service Act*, 1947, the Lieutenant Governor in Council on the recommendation of the Alberta Library Board may appoint a Supervisor of Public Libraries who shall be a qualified librarian.

8. The Supervisor of Public Libraries shall act as administrative officer and technical consultant of the Alberta Library Board and shall,—

- (a) make annual inspections of public libraries for the purpose of ensuring the proper disbursement of grants in accordance with the regulations;
- (b) assist in the organization of new libraries and encourage the improvement of those already established;
- (c) in general, perform such other duties pertaining to the co-ordination, expansion and development of library facilities and the administration of this Act as may be assigned to him from time to time by the Minister.

PART I.

MUNICIPAL PUBLIC LIBRARIES.

9.—(1) Upon receipt of a petition in Form A of the Schedule, praying for the establishment of a municipal public library under this Act and signed by at least one-

tenth of the resident electors of the municipality, the council may pass a by-law in Form B of the Schedule, giving effect to the petition; but the by-law shall not be finally passed by the council until it receives the assent of the electors and for the purpose of obtaining such assent the by-law shall be submitted to the electors in the same manner and with the like proceedings as are required in the case of any other by-law which requires to receive the assent of the electors of the municipality:

Provided that the by-law shall not be deemed to have received the assent of the electors unless at least three-fifths of the qualified electors who actually vote thereon are found to have voted in favour of the by-law.

(2) For the purposes of this section "elector" means a person entitled to vote on a money by-law in the municipality.

10. A by-law under this Act which has been assented to by the electors may be passed at the first or any subsequent meeting of the municipal council after the assent has been given.

11. After a by-law has been assented to the council for the time being shall pass it without unnecessary delay whether the council is or is not the same council which submitted the by-law to the electors.

12. In case the vote of the electors is adverse to the by-law no new by-law for the same purpose shall afterwards be submitted to the electors within the same municipal year.

13.—(1) Whenever a municipal public library is established under this Act the general management, regulation and control of the library shall be vested in and exercised by a board of management, which board shall be a body politic and corporate and shall be known as "The (name of municipality) Library Board."

(2) In municipalities where the population exceeds fifteen thousand the board shall be composed of seven members as follows: The mayor or other head official of the municipality, who shall be *ex officio* a member of the board during his term of office, and six other members appointed by the council from among the electors of the municipality, three of whom shall hold office until the date of the first meeting of the council in January of the year following their appointment, the other three holding office until the date of the first meeting of the council in January of the second year following their appointment.

(3) In other municipalities the board shall be composed of the mayor or reeve and four other members appointed by the council from among the resident electors of the municipality, two of whom shall hold office until the date of the first meeting of the council in January of the year following their appointment, and the other two shall hold office until the date of the first meeting of the council in January of the second year following their appointment.

(4) Except as herein provided every person appointed a member of the board shall hold office for two years.

14. Not more than one member of a council at a time in addition to the mayor or other head official shall be qualified to be a member of the board.

15. Notwithstanding anything to the contrary herein contained, every member of the board shall continue in office until his successor is appointed.

16. No resolution, by-law, proceeding or action of any kind of the board shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal having acted as a member of the board.

17. In case of a vacancy by death or resignation, or from any cause, other than the expiration of the term for which a member of the board was appointed, a successor shall be appointed by the council to fill the vacancy for the remainder of the term.

18. The annual appointment of the members of the board shall be made at the first meeting of the council in January in every year; and any vacancy arising from any cause shall be filled at the first meeting of the council after the vacancy occurs.

19. Nothing in this Act contained shall deprive the council of the right to appoint the members of the board immediately after the passing of a by-law as herein provided establishing a library or at any other meeting of the council in case for any cause the appointments are not made as hereinbefore provided.

20.—(1) The board of every municipal public library shall before the first day of March in every year make up or cause to be made up an estimate of the sums required during the ensuing financial year for the following:

- (a) The amount of principal and interest required for the annual payment of any outstanding debenture;
- (b) The expense in detail of maintaining and managing the libraries and reading rooms under its control and for making the purchases required therefor.

(2) The estimate shall be forthwith transmitted to the clerk or secretary-treasurer of the municipality.

21. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by the auditors of the municipality in like manner and at the same time as other accounts of the municipality and shall immediately thereafter be laid before the council by the board.

22.—(1) The council may on the requisition of the board, but subject as hereinafter provided, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of purchasing the necessary land and erecting the necessary buildings thereon, and in the first instance for obtaining books and other things required.

(2) Every debenture issued as herein provided shall be made re-payable in equal annual instalments of principal and interest and shall not run for a longer period than fifteen years except in the case of a debenture issued for the purpose of erecting, purchasing, adding to or improving a stone, concrete, or brick building or buildings for library purposes in which case the debenture may run for a period not exceeding twenty years.

23. During the currency of any debenture so issued the council shall withhold and retain as a first charge on the special annual rate heretofore mentioned such part thereof as shall be required to meet the annual payment of principal and interest due or falling due on the debenture.

24. All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds and be paid out by him on the order of the board save as to the amount required to meet the interest and principal due or falling due on any debenture as aforesaid.

25. When the board of any municipal public library fails or neglects to open the library to the public for a period of two years, the council may make an *ex parte* application to a judge of the Supreme Court for an order declaring the library to be dissolved, and vesting in the municipality all the real and personal property of the board; and the council through its proper officers may then take possession of the property and dispose of the same as may be deemed advisable.

PART II.

REGIONAL PUBLIC LIBRARIES.

26. Any municipality may enter into an agreement subject to the provisions of this Act to associate with one or more other municipalities, to establish, maintain and operate a regional public library.

27. On the recommendation of the Alberta Library Board, the Lieutenant Governor in Council may make regulations from time to time governing the establishment, maintenance, operation, management and inspection of regional public libraries, and without restricting the generality of the foregoing may make regulations,—

- (a) prescribing conditions to be complied with by any municipality prior to its association in the establishment, maintenance or operation of any regional public library;
- (b) governing the agreements required and the procedure to be followed in the establishment of any regional public library;
- (c) respecting municipal public libraries belonging to municipalities desirous of associating with regional public libraries and respecting the disposition or acquisition of such municipal public libraries;
- (d) governing the appointment and composition of the board of any regional public library and the term of office of its members;
- (e) governing the granting and expenditure of moneys appropriated by the Legislature to assist in the establishment or maintenance of regional public libraries;
- (f) requiring reports respecting the equipment, cost, maintenance, finances and use made of regional public libraries;
- (g) generally for the purpose of carrying out the provisions of this Part according to their true intent.

28.—(1) Any municipality may grant money for the establishment of a regional public library.

(2) Any municipality may make an annual grant for the maintenance of a regional public library with which it is associated from the revenue derived by that municipality from the Public Library Rate, hereinafter provided for.

29.—(1) The Minister on the recommendation of the Alberta Library Board may grant such sums of money for the establishment of regional public libraries out of moneys appropriated by the Legislature for the purpose as he deems necessary.

(2) The Minister on the recommendation of the Alberta Library Board may grant such sums of money for the annual maintenance of regional public libraries out of moneys appropriated by the Legislature for the purpose as he deems necessary.

30. Whenever a regional public library is established under this Part the general management, regulation and control of the library shall be vested in and exercised by a

board of management, which board shall be a body politic and corporate and shall be known as "The (*name of region*) Library Board."

31. When the board of any regional public library fails or neglects to provide library services to the public for a period of two years, the Minister and the councils of all associated municipalities may join in making an *ex parte* application to a judge of the Supreme Court for an order declaring the regional public library to be dissolved and vesting in the Minister or in the councils of the associated municipalities all the real and personal property of the board, or making such other disposition of the property as may be proper under the circumstances; and the Minister and the councils through their proper officers may then take possession of the property and dispose of the same as may be deemed advisable.

PART III.

ASSOCIATION PUBLIC LIBRARIES.

32. Any person or association of persons whether incorporated or not, in any area where library facilities are not provided by a municipal public library or a regional public library established under this Act, may apply to the Minister to be designated as an association public library, and to be authorized to provide library facilities to the public in that area.

33. The Minister on the recommendation of the Alberta Library Board may designate the applicant to be an association public library and authorize it to provide library facilities to the public in that area.

34.—(1) Every association public library shall keep a record of all its orders and proceedings, and of all its receipts, payments, credits and liabilities.

(2) Every association public library shall produce all of its books, records, accounts, orders and proceedings for inspection by the Minister or by any person appointed to act on his behalf at such times as the Minister or the person so appointed may require.

(3) Every association public library shall make such returns as may be from time to time required by the Minister.

35. The Minister on the recommendation of the Alberta Library Board may by order terminate the designation of any person or association as an association public library and thereupon such person or association whether incorporated or not shall cease to be an association public library within the meaning of this Part.

PART IV.

PUBLIC AID TO LIBRARIES.

36.—(1) On or before the thirty-first day of December in each year any municipal public library or any regional public library may apply to the Minister for a book grant and a reading room grant.

(2) On receipt of an application for a book grant the Minister shall pay to such municipal public library or regional public library out of any moneys appropriated by the Legislature for that purpose a book grant of one dollar for every dollar expended by the board on the purchase of books, out of the funds under its control, other than grants as herein provided, but so as not to exceed the sum of five hundred dollars in any one year.

(3) On receipt of an application for a reading room grant the Minister shall pay to such municipal public library or regional public library out of any moneys appropriated by the Legislature for that purpose a reading room grant of one dollar for every dollar expended by the board for the purchase of newspapers, periodicals and magazines for the purpose of a reading room, but so as not to exceed the sum of fifty dollars for each reading room in any one year.

(4) Any sum paid as a book grant or a reading room grant to any such library shall be expended on the purchase of books, newspapers, periodicals, and magazines within the six months following its receipt by the board.

37. In any case where a municipal public library in a city having a population in excess of fifty thousand persons operates one or more branch libraries, upon the recommendation of the Alberta Library Board the Minister may pay to the board in respect of each branch library a book grant and a reading room grant upon the same scale as is paid in respect of original or main libraries, but in such case the book grant to each branch library shall not exceed the sum of three hundred dollars in any one year.

38. On or before the thirty-first day of December in each year any association library may apply to the Minister for a book grant and a reading room grant and the Minister may pay to such library out of moneys appropriated by the Legislature for the purpose a grant on the same scale as is payable in respect of municipal public libraries or regional public libraries.

PART V.

GENERAL.

39.—(1) Any council may, in addition to all other rates and assessments levied and assessed for municipal purposes, levy and assess from year to year a special annual rate not exceeding one and one-half mills in the dollar upon the assessed value of all property liable to taxation for municipal purposes which rate shall be called "The Public Library Rate."

(2) In the case of a municipality which has a municipal public library the sum so collected may be used for the purpose of providing the amounts estimated by the board to be required pursuant to section 20.

(3) In the case of a municipality associated with a regional public library the sum so collected may be used to pay the annual grant for the maintenance of the regional public library pursuant to section 28.

40. If any member of the board of any municipal or regional public library is convicted of any offence against the criminal laws of the Dominion of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive meetings without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality for which he is a member, that member shall *ipso facto* vacate his seat, and the remaining members shall declare his seat vacated forthwith and notify the council having authority to appoint the member accordingly.

41.—(1) The board shall elect one of its number as chairman, who shall hold office for one year.

(2) The chairman shall preside at meetings of the board when present, and in his absence a chairman may be chosen pro tempore.

(3) The chairman shall have the same right of voting as the other members of the board.

42. The board shall meet at least once every three months and at such other times as it may think fit.

43. The chairman or any two members of the board may at any time summon a special meeting of the board for any purpose by giving notice in writing or otherwise, and in such manner as shall have been previously fixed for special meetings by resolution at a full meeting of the board.

44. No business shall be transacted at any general or special meeting unless a majority of the members of the board are present.

45. All orders and proceedings of the board shall be entered in books to be kept by it for that purpose and shall be signed by the chairman for the time being.

46. The orders and proceedings so entered and purporting to be duly signed shall be deemed to be original orders and proceedings and the books may be produced and read as evidence of the orders and proceedings upon all judicial and other proceedings whatever.

47. The board shall produce all of its books, records, accounts, orders and proceedings for inspection by the Minister or by any person appointed to act on his behalf at such times as the Minister or the person so appointed may require.

48. The board shall from time to time procure, erect, rent or lease the necessary land and buildings for the purposes of the library or of the library and reading room, as the case may be:

Provided that no such board shall in any year purchase any lands or erect any buildings or make any addition or alteration thereto exceeding in cost one thousand dollars without the authority of the council in the case of a municipal public library, or without the consent of the Minister and the councils of all contributing associated municipalities in the case of a regional public library.

49. The board may, with the consent of the council in the case of a municipal public library or with the consent of the Minister and the councils of all contributing associated municipalities in the case of a regional public library, sell, lease, exchange or otherwise dispose of any lands or buildings of the Board which are not required for library purposes.

50. A board and any other person or association of persons authorized to provide public library service under the provisions of this Act, may, with the consent in writing of the Minister, enter into agreements with any other board or boards or any other person or association of persons authorized as aforesaid relating to the provision of library service.

51.—(1) The board shall purchase such books, newspapers, reviews, magazines, maps, films and recordings for the use of the library and reading room as may be deemed advisable, and shall do all things necessary for keeping the same in a proper state of preservation and repair.

(2) The board shall also provide such fixtures, furnishings, fuel, lighting and supplies as may be requisite for the proper maintenance and accommodation of the library.

(3) The board may appoint and dismiss such officers, servants and employees as it may think fit.

52.—(1) The board may make by-laws and regulations for the safety and use of the library and reading room and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of the library and of the reading room, and with the management of all property of every kind under its control for the purpose of this Act; and may from time to time repeal, alter, vary or re-enact any by-law or regulation.

(2) No by-law or regulation shall have any effect or be binding on any party concerned unless and until a copy thereof certified by the chairman of the board has been posted up in a conspicuous place in the library, or elsewhere in, on or near the property under the management and control of the library.

53. Any person who wilfully commits a breach of any by-law or regulation referred to in the next preceding section shall for each offence on summary conviction before a justice of the peace or police magistrate forfeit and pay for library purposes to the library board having the management or control of the property in respect of which or of the library within which the offence was committed, a sum not exceeding ten dollars together with the costs of conviction as the justice or police magistrate may think fit.

54. Nothing herein contained shall preclude the recovery of the value of articles or things not returned, or damaged, or destroyed as the amount of damages sustained.

55. The council of any municipality upon the request of the board of any municipal or regional public library within its jurisdiction may appoint the janitor while holding such office to be a special constable; and he shall have the special duty of preserving the peace in the rooms of the library and in the building in which the library is situated, and of preventing the theft of, injury to, or destruction of the property of the library and any breach of the peace therein and of apprehending offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable.

56. Any person who wilfully disturbs or disquiets any person in a public library established and conducted under the authority of this Act by rude or indecent behaviour or by making a noise shall for each offence on summary conviction, forfeit and pay for library purposes to the municipality within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of conviction.

57. For the purpose of carrying out the provisions of this. Act in any municipality in which a public library is established the several provisions of all Acts creating or

governing the municipality which relate to any matter or proceeding herein contained shall, subject to any modification or conditions herein contained, be deemed to be part hereof.

58. All libraries and reading rooms established under this Act shall be open to the public free of charge.

59. The forms in the Schedule hereto or any forms to the like effect may be used for the purposes of this Act and the recitals and provisions in the said forms shall be deemed sufficient and shall be complied with notwithstanding any provisions to the contrary in *The Town and Village Act* or in any Act creating or governing any municipality.

60. The Lieutenant Governor in Council on the recommendation of the Alberta Library Board may make such regulations not inconsistent with this Act as may from time to time be deemed necessary or advisable to facilitate the carrying out of the provisions hereof according to their true intent and to facilitate the encouragement, co-ordination, development and expansion of library facilities.

61. The Public Libraries Act, being chapter 331 of the Revised Statutes of Alberta, 1942, is hereby repealed, provided however that the repeal shall not affect the establishment or incorporation of any public library established and declared to be a body corporate and politic pursuant to that Act, and all such public libraries shall be continued and shall be deemed to be municipal public libraries established under the provisions of this Act.

62. This Act shall come into force on the day upon which it is assented to.

SCHEDULE.

FORM A.

(Section 9.)

PETITION.

To the Council of

We, the undersigned resident electors of respectfully pray that a municipal public library be established in this municipality under *The Public Libraries Act*.

FORM B.

(Section 9.)

BY-LAW FOR ESTABLISHING A MUNICIPAL PUBLIC LIBRARY WITH ASSENT OF THE ELECTORS.

(name of municipality)

Whereas electors have petitioned the council of praying for the establishment of a municipal public library under *The Public Libraries Act*.

Be it therefore enacted by the council of that in case the assent of the electors is given to this by-law a municipal public library be established in this municipality in accordance with the provisions of *The Public Libraries Act.*

And be it further enacted that the votes of the electors be taken on this by-law on the day of A.D. 19, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the undermentioned places;

(Here insert the places of holding the poll, the name of the returning officer and the names of the deputy returning officers.)

And that on the day of next at his office in the at o'clock in the noon, the *(mayor or reeve as the case may be)* shall appoint in writing signed by him two persons to attend at the final summing up of the votes by the returning officer, and one person to attend at each polling place on behalf of the persons interested in or desirous of opposing the passage of this by-law.

And that the returning officer shall attend at the ________ at the hour of _______ o'clock in the _______ noon on the _______ day of _______ A.D, 19 ______, to sum up the number of votes given respectively for and against the by-law.

NOTICE BY CLERK.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of and the polls for taking the votes of the electors will be held at the hour, day and place named in the by-law.

FORM C.

(Section 22.)

MUNICIPAL PUBLIC LIBRARY DEBENTURE.

(Name of Municipality)

No. Province of Alberta \$.....

Under and by virtue of The Public Libraries Act and of By-law No..... of the corporation of passed under the powers in the said Act contained, the corporation of promises to pay the bearers dollars of lawful money of Canada inequal consecutive annual instalments of principal and interest on the terms and in the amounts specified in the coupons attached.

> A.B., Mayor (or Reeve as the case may be.)

> > C.D.,

(Corporate Seal.)

Treasurer.

Coupon No. Debenture No. A.D. 19....., the sum of dollars being the instalment of principal together with interest at the rate of ______ per cent per annum due on that day on Municipal Public Library Debenture No.

.....

A.B., Mayor (or Reeve as the case may be.)

C.D.,

Treasurer.

No. 64

FIFTH SESSION

TENTH LEGISLATURE

12 GEORGE VI

1948

BILL

An Act to provide for the Establishment of Public Libraries.

Received and read the

First time

Second time

Third time

HON. MR. HOOKE.

EDMONTON: A. Shnitka, King's Printer