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BILL 17

An Act respecting Libraries

HON. MR. PATRICK

EDMONTON, ALBERTA
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Explanatory Note

General. This Bill will repeal and replace The Public Libraries Act. The new Act constitutes a departure from the present administration and organization of libraries, and from the present establishment of and financial assistance to libraries. It makes provision for a central library service, and three types of public libraries, viz., regional, municipal and community public libraries. The present book grants are retained for smaller libraries, while large municipal and regional libraries are to be provided with annual grants based on the population they serve. Other grants to assist in the establishment of regional libraries are provided for in the new Act, while certain special grants are also dealt with.

1. Short title of Act.

2. Defines terms used; "public library" means the libraries called "regional", "municipal" and "community". Subsection (2) is necessary because of the proposed "per capita" annual grants.

BILL

No. 17 of 1956

An Act respecting Libraries

(Assented to _____, 1956)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may cited as "*The Libraries Act*".

Interpretation

2. (1) In this Act,
 - (a) "Alberta Library Board" means the library board established pursuant to this Act;
 - (b) "board" means the board of management of any public library established pursuant to this Act;
 - (c) "Central Library Services" means a centralized library established pursuant to Part I to give service to the whole Province;
 - (d) "community library" means a library formed by an association of persons, whether incorporated or not, and designated by the Minister as a community library pursuant to Part V;
 - (e) "council" means the council or other chief governing body, as the case may be, of any municipality;
 - (f) "institution library" means any library established in any public institution whether the institution is operated by the Government of Alberta or not;
 - (g) "library" means a collection of books, periodicals, newspapers, and other articles and objects of educational, cultural, or artistic value for circulation or reference and includes branch libraries, reading rooms, and bookmobiles established or used in connection with a library;
 - (h) "mayor" means the mayor of any city, town or village, and the reeve of any municipal district and the chairman of the county council;
 - (i) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act;
 - (j) "municipal library" means a library established pursuant to Part III;
 - (k) "municipality" means any city, town, village, municipal district or county;
 - (l) "per capita" means every man, woman and child residing in a given municipality or area;

- 3. General authority for the establishment of "public libraries".**
- 4. Provides for the appointment of a Director of Libraries.**
- 5. Requires the appointment and sets out the duties of a Supervisor of public libraries until such time as a Director is appointed and Central Library Services established.**
- 6. Gives Minister of Economic Affairs power to make regulations.**

- (m) "public library" means any municipal library, regional library or community library;
- (n) "qualified librarian" means a librarian who has been granted a degree in library science from an accredited school of librarianship;
- (o) "regional library" means a library established pursuant to Part IV;
- (p) "regulations" means regulations made pursuant to this Act.

(2) Population figures used for computing public library appropriation or annual grants shall be those estimates of population published annually by the Department of Municipal Affairs.

Administration

3. Public libraries may be established in the manner hereinafter provided.

4. Subject to the provisions of *The Public Service Act, 1954*, the Lieutenant Governor in Council may appoint a qualified librarian as Director of Libraries, who shall perform the duties set out in section 8.

5. (1) Subject to the provisions of *The Public Service Act, 1954*, the Lieutenant Governor in Council may appoint a qualified librarian as Supervisor of Public Libraries, who shall

- (a) administer this Act until the establishment of Central Library Services,
- (b) make inspections of public libraries,
- (c) assist in the organization of new libraries, and encourage the improvement of those already established, and
- (d) in general, perform such duties as may be assigned to him from time to time by the Minister.

(2) The office of Supervisor of Public Libraries shall be abolished upon the establishment of Central Library Services.

6. The Minister may make rules and regulations, not inconsistent with this Act, providing for

- (a) the allocation among libraries of moneys appropriated by the Legislature for that purpose,
- (b) the administration of gifts or grants made to libraries,
- (c) the forms to be used for the purposes of this Act or the regulations,
- (d) the conditions upon which moneys allocated for library service by the Legislature may be made,

7. Provides for a central library, i.e. the Central Library Services, and its general powers.

8. Sets out the duties of the Director of Library Services.

- (e) the establishment, maintenance, operation, management, and inspection of public libraries,
- (f) reports respecting the equipment, cost, maintenance, finances and use made of public libraries,
- (g) the examination and certification of librarians and library assistants,
- (h) the making of such surveys as he deems necessary or advisable for the purpose of obtaining information to assist in the formulation of policies respecting matters to which this Act relates, and
- (i) any other thing required to be done in order to carry out the provisions of this Act according to their intendment or in order to meet cases that arise and for which no provision is made herein.

PART I

CENTRAL LIBRARY

7. (1) There may be a centralized library, hereinafter called Central Library Services, comprising such books, records, documents, catalogues, and educational and cultural materials as, for the purposes of the Central Library Services, are provided from time to time out of moneys of the Province, or by grants, bequests, gifts, or otherwise by other persons.

(2) The Central Library Services may co-operate with any cultural or educational organization, library board, municipality, school board, government department or institution, in matters pertaining to the development, organization and operation of library services.

8. The Director of Libraries shall, under the direction of the Minister,

- (a) supervise Central Library Services,
- (b) direct the work of other officials and employees in Central Library Services,
- (c) promote and encourage the extension of library services throughout the Province,
- (d) supervise libraries and library service support under this Act,
- (e) perform such services as the Minister deems necessary or advisable to supplement the activities of libraries established under any Act,
- (f) co-operate with the National Library of Canada and with any cultural or educational organization, library association, library board, or librarian, in matters pertaining to the organization, maintenance, and administration of Central Library Services, or any library established under any Act, and
- (g) perform such other duties as may be assigned to him by the Minister.

9. Authorizes the employment of other personnel by Central Library Services.

10. The establishment, purpose and constitution of the Alberta Library Board.

11. Appointment and offices of members of the Alberta Library Board.

12. Relates to the chairman and other officers on the Board.

13. Empowers the Alberta Library Board to make regulations, and sets out certain other powers and functions.

9. Such other librarians, clerks, and employees as are necessary for the proper control and management of the Central Library Services may be appointed in accordance with *The Public Service Act, 1954*.

PART II

ALBERTA LIBRARY BOARD

10. (1) The Lieutenant Governor in Council, on the recommendation of the Minister may establish a library board, which shall be known as the Alberta Library Board.

(2) The Alberta Library Board shall consist of not less than five and not more than fifteen persons and shall be the advisory board to Central Library Services.

11. (1) The members of the Alberta Library Board shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

(2) A majority of the members first appointed and designated by the Lieutenant Governor in Council shall hold office for a term of two years and the others for a term of three years in the first instance and thereafter all appointments shall be for a period of two years except that, in the case of a vacancy occurring on the board otherwise than by effluxion of time, the person appointed to fill the vacancy shall hold office for the balance of the term of the member whose place he is taking.

12. The Alberta Library Board shall appoint a chairman and such other officers as it deems necessary.

13. (1) With the approval of the Minister, the Alberta Library Board may make rules and regulations governing the conduct of its meetings and the carrying out of its duties and functions.

(2) The Alberta Library Board

(a) may carry out surveys, encourage community activities, call public meetings, promote publicity campaigns, carry on its activities in co-operation with or through an established organization or agency, and generally, may do any act or thing having for its purpose the promotion of library services, and

(b) may raise funds by public subscription to be used in the promotion and advancement of libraries, and shall cause to be kept a proper record of the funds collected and all disbursements, which record shall be audited by the Provincial Auditor and appear in the annual report of the board submitted to the Minister.

14. Relates to remuneration and expenses of members of Board.

15. Requires the making of annual reports on the work of the Alberta Library Board.

16. Application of Part III to public libraries maintained by municipal taxation.

17. Provides for the establishment of municipal libraries by petition and election, where specified.

14. (1) The members of the Alberta Library Board shall receive no remuneration for their services, but the Lieutenant Governor in Council may by regulation authorize the payment of such subsistence allowances, travelling expenses and other expenses as are deemed proper and expedient in connection with the attendance of board members at board meetings or in connection with their duties while otherwise engaged in the work of any board.

(2) All payments authorized by this section to the members of the board shall be made out of moneys appropriated by the Legislature for that purpose.

15. The Alberta Library Board shall make an annual report to the Minister on its work and the report shall be made at such time and in such manner as the Minister may determine.

PART III

MUNICIPAL LIBRARIES

16. This Part applies to every public library maintained in whole or in part by municipal taxation and established under this Part or under any former Act respecting public libraries.

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

(2) Subject to subsection (4), the council of a municipality shall, upon receipt of a petition, in Form A in the Schedule, praying for the establishment of a public library and signed by at least one-tenth of the resident electors, prepare and submit to the electors a by-law, in Form B in the Schedule, providing for the establishment of a public library.

(3) 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 requiring the assent of the electors.

(4) If the annual grant to be made for the support of the library does not exceed the sum of one thousand dollars the council may give effect to the petition and make such grant by resolution without a reference to the electors.

(5) Where a by-law that is submitted to the electors under this section receives the assent of at least three-fifths of the electors voting thereon, the council shall pass the by-law without unnecessary delay, whether such council is or is not the council that submitted the by-law to the electors.

(6) Upon receiving results of the by-law, whether successful or not, the secretary of the municipality concerned shall without unnecessary delay forward the results to the Minister.

18. Invests the Board of Management of municipal library with the management and control of the library, and creates the Board a corporation.

19. Composition of board of management.

20. Councillors on the board of management.

21. Continuation in office until successor appointed.

(7) When 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 fiscal year of the municipality.

18. (1) Whenever a municipal library is established under this Act the general management, regulation and control of the library is vested in and shall be exercised by a board of management.

(2) The board of management of a municipal library is a body politic and corporate and shall be known as "The (name of municipality) Library Board".

19. (1) In municipalities in which the population is fifteen thousand or more, the board shall be composed of seven members as follows:

- (a) the mayor of the municipality, who is *ex officio* a member of the board during his term of office;
- (b) six other members appointed by the council from among the electors of the municipality, two of the first members appointed shall hold office until the date of the first meeting of the council in January of the year following their appointment, and two of the first members appointed shall hold office until the date of the first meeting of the council in January of the second year following their appointment, and two of the first members appointed shall hold office until the date of the first meeting of the council in January of the third year following their appointment.

(2) In municipalities in which the population is less than fifteen thousand, the board shall be composed of the mayor of the municipality and four other members appointed by the council from among the resident electors of the municipality, two of the first members appointed shall hold office until the date of the first meeting of the council in January of the year following their appointment, and one of such members shall hold office until the date of the first meeting of the council in January of the second year following his appointment and one of such members shall hold office until the date of the first meeting of the council in January of the third year following his appointment.

(3) Except as herein otherwise provided, every person appointed a member of the board shall hold office for three years.

20. Not more than one member of a council at a time in addition to the mayor shall be a member of the board.

21. Notwithstanding anything to the contrary in this Act, a member of the board shall continue in office until his successor is appointed.

22. Provides for the validity of acts of a *de facto* member.

23. Provides for filling of vacancies.

24. Time of appointment of members.

25. Saving clause re time of appointment.

26. Relates to the annual estimates of moneys required.

27. Duties and powers of board defined.

22. No resolution, by-law, proceeding or action of any kind of the board shall be held 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.

23. In case of a vacancy by death or resignation, or from any cause other than 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.

24. 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.

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

26. (1) The board 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 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.

27. (1) The board shall

- (a) purchase books, periodicals, newspapers and other articles of educational, cultural, or artistic value deemed by it necessary for the library,
- (b) do all things necessary for keeping the same in a proper state of preservation and repair, and
- (c) provide fixtures, furnishings, fuel, lighting, and supplies deemed necessary by the board for the proper maintenance and accommodation of the library.

(2) The board may appoint and dismiss such librarians, officers and employees as it thinks fit.

(3) 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.

28. Acquisition of library building and equipment thereof.

29. Authority to borrow money by "Public Library Debentures".

30. Borrowing to be in same manner as other municipal borrowings.

31. Borrowing by-law to be passed within one month after approval.

32. Concerning the matters that may be computed within library rate.

33. Public library debentures are to be a charge on the whole rateable property of the municipality.

34. Duties of municipal treasurer re moneys raised for library purposes.

35. Dissolution of municipal library board, reason for and method thereof.

28. Upon petition from the board that a sum of money be furnished for the purpose of acquiring a library building site and erecting, repairing, furnishing and equipping a library building, or for any of such purposes, the council may take all necessary steps as hereinafter set forth to furnish the sum asked or such portion thereof as the council deems expedient.

29. (1) A sum approved by the council under section 28 may, as hereinafter provided, be borrowed by the council under the authority of a by-law and upon the security of debentures which shall be termed "Public Library Debentures".

(2) The council shall take such steps as are necessary to have the by-law submitted to the electors.

(3) The by-law shall, before the final passing thereof, be submitted to the electors and receive the assent of a majority of the electors voting thereon.

30. The sum required may be borrowed by the council in the same manner as moneys required for the purposes of the municipality, and the provisions of the appropriate municipal Act, in so far as they are applicable and not inconsistent with the provisions of this Act, apply to by-laws for borrowing money under this Act, and to the issue and form of debentures therefor.

31. If approved by a majority of the electors voting thereon, the by-law shall within one month thereafter be passed by the council.

32. The council of the municipality concerned may include in the library rate an amount sufficient to cover interest, sinking fund requirements, if any, and instalments in respect of debentures issued for library purposes.

33. The debentures issued by the municipality to secure repayment on the amount borrowed with interest are a charge on the whole rateable property in the municipality, and the council may from time to time as in the case of other debenture indebtedness, assess, levy and collect all moneys necessary to meet the indebtedness incurred by the issue of the debentures.

34. 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 debentures as aforesaid.

35. (1) Where a board 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 board dissolved.

28. Upon petition from the board that a sum of money be furnished for the purpose of acquiring a library building site and erecting, repairing, furnishing and equipping a library building, or for any of such purposes, the council may take all necessary steps as hereinafter set forth to furnish the sum asked or such portion thereof as the council deems expedient.

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33. Public library debentures are to be a charge on the whole rateable property of the municipality.

34. Duties of municipal treasurer re moneys raised for library purposes.

35. Dissolution of municipal library board, reason for and method thereof.

36. Establishment of regional library by municipality, and school body through agreement.

37. Authorizes the provision of funds for regional library by associated governing bodies.

38. Authorizes the making of regulations re regional libraries by Lieutenant Governor in Council.

(2) The order dissolving the board vests in the municipality all the real and personal property of the board, and the council through its proper officers may thereupon take possession of the property and dispose of the same in any manner deemed advisable.

PART IV

REGIONAL LIBRARIES

36. Subject to this Act, a municipality, school division, or school district, may enter into an agreement to associate with one or more municipalities, school divisions or school districts, to establish, maintain and operate a regional library.

37. (1) A municipality, school division or school district may grant money for the establishment of a regional library.

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

(3) A school division or school district or county may make an annual grant for the maintenance of a regional library with which it is associated.

38. (1) The Lieutenant Governor in Council may make regulations governing the establishment, maintenance, operation, management and inspection of regional libraries.

(2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations

- (a) prescribing conditions to be complied with by any new municipality prior to its association in the establishment, maintenance or operation of any regional library,
- (b) governing the agreements required and the procedure to be followed in the establishment of any regional library,
- (c) respecting municipal libraries belonging to municipalities desirous of associating with regional libraries and respecting the disposition or acquisition of such municipal libraries,
- (d) governing the appointment and composition of the board of any regional 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 libraries,

39. Grants for

- (1) Establishment, and
- (2) Maintenance of regional libraries out of moneys appropriated therefor by the Legislative Assembly.

40. Constitution, composition and authorities of board of management of regional libraries.

- (f) requiring reports respecting the equipment, cost, maintenance, finances and use made of regional libraries, and
- (g) generally for the purpose of carrying out the provisions of this Part according to their intendment.

39. (1) The Minister may, out of moneys appropriated by the Legislature for the purpose, grant such sums of money for the establishment of regional libraries as are provided for by this Act.

(2) The Minister may, out of moneys appropriated by the Legislature for the purpose, grant such sums of money for the annual maintenance of regional libraries as are provided for by this Act.

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

(2) The board is a body politic and corporate and shall be known as "The (name of region) Library Board".

(3) The board shall, subject to subsections (4) and (5), consist of

- (a) one member who shall be appointed by the council of each associated county, municipal district and city that is a party to the agreement,
- (b) two members who shall be appointed by the Lieutenant Governor in Council, and
- (c) such additional members as may be appointed by the representatives of participating units in the manner and to the number prescribed by regulations.

(4) When either the city of Edmonton or the city of Calgary is associated with other municipalities to form a regional library, the board shall consist of seven members appointed by the council of the city of Edmonton or the city of Calgary, as the case may be, and such other members not exceeding six to represent the other municipalities associated in the regional library as the Minister may designate and who shall be appointed thereto in such manner as the Minister deems necessary.

(5) Until such time as a regional library serves such area and such minimum population as may be designated in the regulations, a regional library board shall consist of such number of members appointed in such manner as, in either case, the regulations may prescribe.

(6) All members of a regional library board shall exercise their office with regard to the whole area of the regional library and shall not while exercising their office thereon conduct themselves as representatives of the municipalities from which they were appointed to the board.

41. Relates to the estimates of regional libraries.

42. Authorizes the withdrawal of an associated governing body from a regional library.

43. The occasion for, method and result of a dissolution of a board of management of a regional library.

- (7) The board may
- (a) acquire and hold real and personal property of every description,
 - (b) equip, establish and maintain a regional library,
 - (c) acquire and circulate books, periodicals, pamphlets, and other articles and objects of educational, cultural or artistic value,
 - (d) borrow from time to time for the purpose of defraying its operating expenses an amount not exceeding one-half of the amount expended by it during its immediately preceding financial year,
 - (e) receive, hold and administer bequests, donations and gifts of real and personal property,
 - (f) enter into and carry out agreements with municipalities, associations and organizations for the provision of library services to them on such terms and conditions as the board thinks advisable,
 - (g) make rules for the conduct and management of the business of the board and of the library,
 - (h) engage a person to act as librarian, and fix his compensation,
 - (i) engage such assistant librarians and other employees as the board considers advisable, and fix their compensation, and
 - (j) do and perform such other acts and things as are conducive or incidental to the carrying out of its purposes and the exercise of its powers.

41. The board of a regional library shall, at a date specified by each municipality, school division or school district supporting a regional library submit to each government unit concerned a detailed estimate of the amounts required for the board to meet expenses of operating the library, showing the amounts to be paid by each municipality, school division or school district.

42. (1) Where a regional library has been established or a municipal library is providing service by contract to municipalities, school divisions or school districts, any party to the agreement may, by giving twelve months' notice, withdraw after the expiration of three years from the date the contract affecting the party was assented to.

(2) The withdrawal of a party from such contract shall not be deemed to affect the agreement between the other parties.

43. (1) When the board of any regional 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 library board dissolved.

~~44.~~ Establishment of a community library in areas not served by municipal or regional libraries to be by application to Minister.

~~45.~~ Formation and designation of community library.

~~46.~~ Association public library under repealed Act to become community library.

~~47.~~ Restriction on designating community libraries.

~~48.~~ Constitution of board of management of community library.

~~49.~~ General powers and duties of that board.

(2) By the order dissolving the board, the judge shall vest in the Minister or in the councils of the associated municipalities severally or in common as he deems just all the real and personal property of the board or make such other disposition of the property as he considers just in the circumstances.

(3) The Minister and the councils, or as the case may be, through their proper officers or other proper person as specified by the order may then take possession of the property, and dispose of the same as deemed advisable.

PART V

COMMUNITY LIBRARIES

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

45. (1) On the recommendation of the Alberta Library Board, the Minister may authorize an association of persons to provide library facilities to the public in a given area.

(2) The association so formed shall be called a community library.

46. Any public library heretofore designated by the Minister as an association public library shall, for the purposes of this Act, be deemed a community library, if, in the opinion of the Minister, it is operating in good standing on the coming into force of this Act.

47. No libraries shall hereafter be designated as community libraries except in such areas and under such circumstances as, in the opinion of the Minister and on the advice of the Alberta Library Board, a municipal library or regional library would not be practical.

48. A community library board when organized in such manner as may be prescribed by the Minister, is a body politic and corporate and shall be known as "The (distinguishing name of the library) Community Library Board".

49. The board shall have charge of the business of the library, including the management, regulation and control thereof.

50. Particular duties of the board of management.

51. Particular powers of the board of management.

52. Requires the keeping of records by a community library, the inspection thereof and annual returns.

53. Cessation of a community library designation by order of the Minister.

50. Without limiting the generality of section 49, the board shall

- (a) keep proper minutes of all proceedings of the board, and of all general and special meetings of the association of persons operating the library,
- (b) purchase books, magazines, newspapers and other reading materials in accordance with the provisions of this Act,
- (c) make rules and regulations for the management and use of the library, and
- (d) in general, perform such duties as are necessary to operate a community library successfully.

51. Without limiting the generality of section 49, the board may

- (a) make rules and regulations for the holding of regular and special meetings and for the conduct of the business of the board,
- (b) define the duties of the officers and servants of the board,
- (c) provide such suitable accommodation for the community library as the funds at the disposal of the board warrant,
- (d) adopt means for the raising of funds for the support of the community library, including, if thought desirable, the fixing of an annual membership fee,
- (e) procure, erect, rent or lease the necessary land and buildings or vehicle for the purposes of the community library, and
- (f) sell, lease, exchange or otherwise dispose of lands or buildings of the board not required for library purposes.

52. (1) A community library shall keep a record of all its orders and proceedings, and of all its receipts, payments, credits and liabilities.

(2) A community library shall, at such times as the Minister or the person so appointed may require, 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.

(3) A community library shall make such returns as may be from time to time required by the Minister.

53. The Minister may, on the recommendation of the Alberta Library Board, terminate by order the designation of any association as a community library and thereupon the association whether incorporated or not ceases to be a community library within the meaning of this Part.

54. General authority for establishment grants, annual grants, book grants, and special grants, periodical grants from appropriations.

55. Municipal and regional library may elect to receive book grants in lieu of annual grants.

56. Withholding of grant permitted in certain case.

57. The provisions for obtaining book and periodical grants in the case of municipal and regional libraries.

PART VI

FINANCIAL ASSISTANCE TO LIBRARIES

54. The Minister, in accordance with the provisions of this Act may, from moneys appropriated for the purpose by the Legislature, provide establishment grants, annual grants, book grants, periodical grants or special grants to libraries qualifying for assistance.

55. A municipal or regional library may, by application to the Minister, elect to receive book grants as outlined in section 57 in lieu of annual grants as provided for under section 59.

56. Where a board in any year fails to comply with any of the regulations, the Minister may withhold the whole or any part of the Government grant payable to the board for that year.

57. (1) On or before the thirty-first day of January in each year a municipal library or a regional library may apply to the Minister

- (a) for a book grant on the basis of book purchases made during the previous calendar year, and
- (b) for a periodical grant on a basis of newspaper, periodical and magazine purchases made during the previous calendar year.

(2) If the municipal library or regional library provides public library service that meets with the standard fixed by the Lieutenant Governor in Council, the Minister may approve the application for a grant.

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

(4) In respect of an approved application for a periodical grant the Minister may pay to such municipal library or regional library out of any moneys appropriated by the Legislature for that purpose a periodical 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 the periodical grant shall not exceed the sum of fifty dollars in any one year in respect of any one library.

(5) Any sum paid as a book grant or a periodical grant to any municipal or regional library shall be expended on

58. Provisions for obtaining such grants in the case of community libraries.

59. Provisions relating to annual grants in the case of regional and municipal libraries.

the purchase of books, newspapers, periodicals, and magazines within the six months following its receipt by the board of the library.

58. (1) On or before the thirty-first day of January in each year a community library may apply to the Minister

- (a) for a book grant on a basis of book purchases made during the previous calendar year, and
- (b) for a periodical grant on a basis of newspaper, periodical and magazine purchases made during the previous calendar year.

(2) If the community library provides public library service that meets with the standards fixed by the Lieutenant Governor in Council, the Minister may approve the application for the grant.

(3) On receipt of an application for a book grant the Minister may pay to such community library out of any moneys appropriated by the Legislature for that purpose a book grant on the same scale as is payable in respect of municipal public libraries or regional public libraries but the book grant shall not exceed the sum of three hundred dollars in any one year in respect of any one library.

(4) On receipt of an application for a periodical grant the Minister may pay to such community library out of any moneys appropriated by the Legislature for that purpose a reading room grant on the same scale as is payable in respect of municipal libraries or regional libraries.

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

59. (1) On or before the thirty-first day of January in each year a municipal library or regional library may apply to the Minister for an annual grant.

(2) If the municipal library or regional library provides public library service that meets with the standard fixed by the Lieutenant Governor in Council the Minister may approve the application for a grant.

(3) A sum of at least thirty-five cents *per capita* may be paid directly to the library board concerned to be used in such manner as the board may determine.

(4) The grant shall be given on the condition that in the case of a town or city having a total population over ten thousand the appropriation from the municipality to the library will be at least seventy-five cents *per capita*, and that in the case of a town, city or village having a total population under ten thousand, or a county or rural municipality, the local appropriation from the municipality to the library will be at least fifty cents *per capita*.

60. Provides the maximum of annual grants.

61. Establishment grants for regional libraries.

62. Special grants for the provision of special library services
or for special needs.

(5) An audited financial statement of each library receiving an annual grant under the provisions of this section shall be sent to the Minister at such time as the regulations may indicate.

60. (1) Grants paid under section 59 shall be thirty-five cents *per capita* but not exceeding a total of five thousand dollars in case of a city having a population of less than forty thousand or ten thousand dollars in case of a city having a population of forty thousand or more.

(2) With the intent of increasing grants to large municipal libraries the total grant to be awarded to each library affected by subsection (1) shall be subject to review by the Minister when so recommended by the Alberta Library Board.

61. (1) Upon the organization of a regional library, or upon the entry of a municipality or school division or school district into a regional library, the regional library board may apply to the Minister for an establishment grant for the purpose of purchasing books, equipment, or supplies or for any other purpose deemed necessary to the establishment or expansion of a regional library.

(2) If the regional library meets with the standards fixed by the Lieutenant Governor in Council the Minister may, upon the advice of the Alberta Library Board, approve the application for the grant which shall be based on the total population of the municipality or school division or school district entering the regional library.

(3) In respect of an approved application for an establishment grant the Minister may pay to such regional library an establishment grant of one dollar *per capita*.

(4) An establishment grant may be obtained for any municipality, school division or school district complying with the regulations, except in the case of the cities of Calgary and Edmonton.

(5) Notwithstanding the provisions of subsection (4) the public library of Calgary and the public library of Edmonton may receive establishment grants for any outlying municipalities, school districts or school divisions that they might serve.

(6) The Minister may make rules, not inconsistent with this Act, concerning the amount, allocation, use, payment and time of payment of establishment grants.

62. (1) From moneys provided by the Legislature for the purpose, the Minister, upon recommendation of the Alberta Library Board, may award special grants to libraries, individuals, institutions, associations or any corporate body, to provide special library services or to fill special needs or to meet an emergency.

(2) Without limiting the generality of subsection (1) the special grants may make provision for scholarships for library training, workshops, awards to associations or

63. Authorizes the assessment and levy of a "special public library rate" in municipalities.

64. Provides for the automatic vacating of seats on the boards of municipal and regional libraries for specified causes.

65. Appointment of special constable for municipal and regional libraries and defining his duties and powers.

individuals, surveys, aid to special libraries, aid to institution libraries, library demonstrations, or for other projects deemed important by the Minister for the expansion and development of library services in the Province.

(3) Applications for a special grant, when received in such manner and form as the regulations may prescribe, shall be considered by the Alberta Library Board, who shall make a report or recommendation thereon to the Minister.

(4) The Minister, if the application is recommended by the Alberta Library Board, may approve the application in whole or in part, if in his opinion the grant so awarded will contribute to the expansion and development of library services in the Province.

PART VII GENERAL

63. (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 two mills on 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 that has a municipal 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 26.

(3) In the case of a municipality associated with a regional library, the sum so collected may be used to pay the annual grant for the maintenance of the regional library pursuant to section 37.

64. If any member of the board of any municipal or regional library is convicted under the *Criminal Code*, 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, such member *ipso facto* vacates his seat, and the remaining members shall declare his seat vacated forthwith and notify thereof the council having authority to appoint the member.

65. (1) The council may, upon the request of the board of any municipal or regional library within the jurisdiction of the council, appoint the janitor of the library a special constable while holding the position of janitor.

(2) The special constable has 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

66. Relating to the chairman of municipal and regional libraries.

67. Meeting of municipal and regional library boards to be quarterly.

68. Special meetings of such boards.

69. Majority of board required for a quorum.

70. Record of meetings required.

71. Admissibility in evidence of minutes and proceedings so recorded under requirements of section 70.

72. Production of books and records when required by Minister.

73. Empowering boards to acquire land and buildings for the library.

74. Empowers disposition of lands and buildings by board in certain cases.

apprehending offenders, and has generally all the powers and privileges and is liable to all the duties and responsibilities that pertain to the office of a constable.

66. (1) The board of a municipal or regional library 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 has the same right of voting as the other members of the board.

67. The board of a municipal or regional library shall meet at least once every three months and at such other times as it deems fit.

68. By giving notice in writing or otherwise, and in such manner as may be prescribed for special meetings by resolution at a full meeting of the board of a municipal or regional library, the chairman or any two members of the board may at any time summon a special meeting of the board for any purpose.

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

70. All orders and proceedings of the board of a municipal or regional library shall be entered in books to be kept by it for that purpose and shall be signed by the chairman for the time being.

71. The orders and proceedings so entered and purporting to be duly signed shall be deemed to be original orders and proceedings and the books are admissible in evidence as proof thereof in all judicial and other proceedings.

72. At such times as the Minister or person appointed to act on his behalf may require, the board of a municipal or regional 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.

73. The board of a municipal or regional library may from time to time procure, erect, rent, or lease the necessary land and buildings for the purpose of the library or of the library and reading room, as the case may be.

74. With the consent of the council in the case of a municipal library or with the consent of the Minister and the councils of all contributing associated municipalities and the boards of contributing associated school divisions and school districts in the case of a regional library, the

75. Relating the provisions of Part III to municipalities supporting a regional library.

76. Relating the provisions of Part III to a municipality obtaining library service by means of a regional library agreement.

77. Relating provisions of regional libraries to a municipal library serving a municipality or school district by contract.

78. Agreement re regional library to restrict powers of an established municipal library board entering into such an agreement.

79. Empowers library agreements between associations and boards.

80. Authorizes by-laws for the regulation and use of library facilities.

board of the municipal library or regional library may sell, lease, exchange or otherwise dispose of any of the library's lands or buildings not required for library purposes.

75. For the purposes of implementing the provisions of this Act, a municipality that is a party to an agreement respecting a regional library shall be deemed to be supporting a municipal library and, with the approval of the Minister, those provisions of Part III that relate to public library debentures, library buildings or loans for permanent improvement, may be applied to the municipality.

76. For the purposes of implementing the provisions of this Act, a municipality desiring to obtain library service by contract with a regional library or another municipal library shall be deemed to be establishing a municipal library and, with the approval of the Minister, shall follow the procedure for the establishment of a municipal library as prescribed in Part III.

77. For the purpose of implementing this Act a municipal library serving a municipality or school district or school division by contract shall be deemed to be a regional library and, with the approval of the Minister, those provisions of this Act that relate to regional libraries may be applied to such municipal library.

78. Notwithstanding anything contained in Part III, if a municipal library has been established in a municipality, the powers of the municipal library board are limited by the terms of any agreement entered into by the municipality with respect to the establishment and operation of a regional library and the council may by by-law further limit such powers.

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

80. (1) The Board of a municipal or regional library 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 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.

(2) No by-law or regulation has any effect nor is it binding on any party until a copy thereof certified by the chairman of the board has been posted up in a conspicuous

81. Establishes an offence and penalty.

82. Saving clause in cases where punishment provided by Act.

83. Establishes an offence and penalty.

84. Idem.

85. Permits including moneys spent for leasing headquarters building of regional library in computation of moneys derived by appropriation from municipality for the purposes of annual grant.

86. Public to have free access to public libraries.

87. Exemption of library property from taxation.

88. Relating municipal governing Act to this Act.

place in the library, or elsewhere, in, on or near the property under the management and control of the library.

81. Any person who wilfully contravenes any by-law or regulation referred to in section 80 is guilty of an offence and liable on summary conviction to forfeit and pay for library purposes to the library board having the management or control of the property in respect of which or within which the offence was committed, a penalty not exceeding ten dollars.

82. Nothing contained in sections 81 or 84 precludes the recovery of damages for the value of articles or things not returned, or damaged, or destroyed.

83. A person who by rude or indecent behaviour or by making a noise wilfully disturbs or disquiets any person in a public library established and conducted under the authority of this Act is guilty of an offence and liable on summary conviction to forfeit and pay, for library purposes to the municipality within which the offence was committed, a penalty not exceeding twenty dollars.

84. A person who wilfully retains any book, record, film or other library property from any public library established and conducted under the authority of this Act is guilty of an offence and liable on summary conviction to forfeit and pay, for library purposes to the municipality within which the offence was committed, a penalty not exceeding twenty dollars.

85. (1) For the purposes of computing, in respect of a regional library, the appropriation of moneys for public library service referred to in subsection (4) of section 59, the moneys spent for leasing a headquarters building, but no other building, may be included.

(2) With respect to a municipal library, the moneys spent for renting or leasing branch library buildings but not for renting or leasing the main library building, may be included in the computation of the appropriation of money for public library services.

86. All public libraries shall be open to the public without charge therefor.

87. All the real and personal property of a board of a public library is exempt from taxation for municipal, school, civic, provincial or other purposes.

88. In any municipality in which a public library is established the several provisions of all Acts creating or governing the municipality and relating to any matter or proceeding herein contained shall, subject to any modification or conditions herein contained, be deemed to be part hereof.

This is used for library purposes only

89. Annual reports required from all libraries as prescribed by regulations and provides for inspection of records.

90. Relates to the forms prescribed by this Act.

91. Transition provision.

92. Permits variation of forms.

93. The provisions respecting libraries in The Cultural Development Act will no longer apply after this Act comes into force.

94. Repeal of present Act.

95. Coming into force provision.

89. (1) An annual report of each public library under the jurisdiction of this Act shall be transmitted to the Minister in such number and manner, and at such time as the regulations may prescribe.

(2) The Minister or any person authorized by the Minister for the purpose may inspect and examine books, accounts, documents and records relating to a public library in receipt of any public moneys under this Act, and the Minister or other authorized person shall be permitted access to any records of the public library for the purpose of any such examination.

(3) A person who hinders or molests the Minister, or any person authorized by the Minister, in the examination of the records of a public library is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

90. 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 any Act creating or governing any municipality.

91. A public library heretofore established or incorporated under any Act respecting libraries and in operation on the commencement of this Act is continued, is subject to the provisions of this Act and, upon compliance therewith, is entitled to the benefits thereof.

92. The Lieutenant Governor in Council may from time to time

- (a) vary any of the forms in the Schedule, or
- (b) cause to be adopted any other forms considered applicable to any special case or class of cases for which a form has not been provided in the Schedule.

93. This Act replaces and supersedes the provisions of *The Cultural Development Act* respecting libraries.

94. *The Public Libraries Act* being chapter 13 of the Statutes of Alberta, 1948, is hereby repealed.

95. This Act comes into force upon assent.

SCHEDULE

FORM A

(Section 18)

PETITION

To the Council of
WE, the undersigned resident electors of.....
.....respectfully pray that a municipal

library be established in this municipality under *The Libraries Act*.

FORM B
(Section 18)

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

A by-law to provide for the establishment of a municipal library in the.....of
(name of municipality)

Whereaselectors have petitioned the council of praying for the establishment of a municipal library under *The 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 library be established in this municipality in accordance with the provisions of *The 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 forenoon and continuing until six 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 theat.....o'clock in thenoon 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 TO 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 29)

MUNICIPAL PUBLIC LIBRARY DEBENTURE
(Name of Municipality)

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

Under and by virtue of *The 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 at the..... at..... the sum of..... dollars of lawful money of Canada in..... equal 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*)

(Corporate Seal)

C.D.

Treasurer

Coupon No. Debenture No.

The corporation of will pay to the bearer at the at on the day of 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. 17

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act respecting Libraries

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. PATRICK
