

1980 BILL 20

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Second Session, 19th Legislature, 29 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 20**

**THE LIBRARIES AMENDMENT ACT, 1980**

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HON. MARY LEMESSURIER

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First Reading . . . . . MAY 1, 1980 . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## BILL 20

1980

### THE LIBRARIES AMENDMENT ACT, 1980

(Assented to , 1980)

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

1 *The Libraries Act is amended by this Act.*

2 *Section 2(1)(i) is repealed and the following is substituted:*

(i) "Minister" means the member of the Executive Council charged by the Lieutenant Governor with the administration of this Act.

3 *Section 29 is repealed and the following is substituted:*

**29** The board shall keep separate and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by a person approved by the council and shall immediately thereafter be laid before the council by the board.

4 *Section 37 is amended by adding the following after subsection (1):*

(1.1) The Minister of Municipal Affairs may, on behalf of an improvement district or a special area, make an annual grant, from the money derived pursuant to section 63(1.1), for the maintenance of a regional library with which the improvement district or special area is associated.

5 *Section 40 is amended*

(a) *by adding the following after subsection (3)(a):*

(a.1) one member who shall be appointed by the Minister of Municipal Affairs for each improvement district and special area that is a party to the agreement,

## **Explanatory Notes**

**1** This Bill will amend chapter 206 of the Revised Statutes of Alberta 1970.

**2** Section 2(1)(i) presently reads:

*(i) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act;*

**3** Section 29 presently reads:

*29 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.*

**4** Section 37 presently reads:

*37(1) 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.*

*(2) 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.*

**5** Section 40(3) and (6) presently read:

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

*(a) one member who shall be appointed by the council of each municipality, school division and school district that is a party to the agreement,*

*(b) in subsection (6) by adding “, special areas or improvement districts” after “municipalities”.*

*6 Section 63 is amended by adding the following after subsection (1):*

(1.1) The Minister of Municipal Affairs may, in addition to all other rates and assessments levied and assessed for the purposes of an improvement district or special area, levy and assess from year to year a special annual rate on the assessed value of all property liable to taxation in the improvement district or special area for the purposes of the maintenance of a regional library.

*7 Section 65 is repealed.*

*8 Section 74 is repealed and the following is substituted:*

**74** The board of a 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

(a) in the case of a municipal library, with the consent of the council, and

(b) in the case of a regional library, with the consent of

*(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.*

*(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.*

**6 Section 63 presently reads:**

*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 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.*

**7 Section 65 presently reads:**

*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 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.*

**8 Section 74 presently reads:**

*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 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.*

- (i) the Minister,
- (ii) the councils of all contributing associated municipalities,
- (iii) the Minister of Municipal Affairs on behalf of contributing associated improvement districts and special areas, and
- (iv) the boards of contributing associated school divisions and school districts.

9 Section 83 is repealed.

*10(1) In the following provisions “, improvement district, special area” is added after “municipality” wherever it occurs:*

section 35;  
section 36;  
section 41;  
section 54(2) (a) (ii) (B).

*(2) In the following provisions “, improvement districts, special areas” is added after “municipalities” wherever it occurs:*

section 35;  
section 40(4);  
section 42(1).

*(3) In the following provisions “, improvement district or special area” is added after “municipality” wherever it occurs:*

section 64;  
section 81;  
section 82.

**9** Section 83 presently reads:

*83(1) For the purposes of computing, in respect of a regional library, the appropriation of moneys for public library service referred to in section 59, subsection (3), 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.*

**10** Sections 35, 36, 40(4), 41, 42(1), 54(2)(a)(ii)(B), 64, 81 and 82 presently read:

*35 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.*

*36 A municipality, school division or school district may grant money for the establishment of a regional library.*

*40(4) Where a municipality has a population greater than the combined total of the populations of all other municipalities, school divisions and school districts that are associated with it in a regional library, that municipality is entitled, subject to the approval of the Minister as to number, to appoint additional members to the board sufficient to give the municipality a majority representation on the board.*

*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 12 months' notice, withdraw after the expiration of three years from the date the contract affecting the party was assented to.*

*54(2) The Lieutenant Governor in Council may make regulations*

*(a) authorizing the Minister to make*

*(ii) establishment grants to be paid upon*

*11 This Act comes into force on the day upon which it is assented to.*



*(B) the entering into an agreement by a municipality, school division or school district pursuant to section 35;*

*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.*

*81 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 \$20.*

*82 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 \$20.*