

1998 BILL 4

Second Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

LIBRARIES AMENDMENT ACT, 1998

MRS. O'NEILL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 4
Mrs. O'Neill

BILL 4

1998

LIBRARIES AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Amends SA
1983 cL-12.1

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

2 Section 1 is amended

(a) by repealing clause (a);

(b) by adding the following before clause (b):

(a.1) "basic information service" means basic information
service as defined in the regulations for the purposes
of this Act;

**(c) in clause (b) by striking out "board or community
board" and substituting "board, community board or
federation board";**

(d) in clause (e)

**(i) in subclause (i) by striking out "village or
summer village," and substituting "village,
summer village or specialized municipality,";**

**(ii) by striking out "or" at the end of subclause (iii)
and by adding the following after subclause
(iii):**

(iii.1) in the case of a Metis settlement, the settlement
council, or

Explanatory Notes

1 Amends chapter L-12.1 of the Statutes of Alberta, 1983.

2 Section 1 presently reads in part:

1 In this Act,

(a) "Alberta Library Board" means the Alberta Library Board established under Part 1;

(b) "board" means a municipal board, library system board or community board;

(e) "council" means

(i) in the case of a city, town, municipal district, village or summer village, the council;

(ii) repealed 1995 c24 s99(13);

(iii) in the case of a school authority, the board of trustees, or

(iv) in the case of an improvement district or special area, the Minister of Municipal Affairs;

(v) repealed 1994 cM-26.1 s642(37);

(g) "library system board" means

(i) a library system board established under Part 3, or

(e) by adding the following after clause (e):

(e.1) “federation board” means a federation board established under Part 4.1;

(f) by repealing clause (g) and substituting the following:

(g) “library system board” means a library system board under Part 3;

(g) in clause (k) by striking out “district or a school district situated within a national park” and substituting “district or the Jasper Improvement District”.

3 Part 1 is repealed.

- (ii) *a board of management of a regional library continued as a library system board under Part 3;*
- (k) *“municipality” means a city, town, village, summer village, municipal district or a school district situated within a national park;*

3 Part 1 presently reads:

PART 1

ALBERTA LIBRARY BOARD

2(1) There is hereby established a board to be known as the Alberta Library Board.

(2) The Alberta Library Board shall advise the Minister with respect to matters relating to the expansion, development, co-ordination and encouragement of libraries and library services in Alberta.

3(1) The Minister may appoint not more than 7 persons as members of the Alberta Library Board and when this Act first comes into force the terms of office of members of the Alberta Library Board established under the Libraries Act, chapter L-12 of the Revised Statutes of Alberta 1980, are terminated.

(2) When this Act first comes into force, the term of office

(a) for 2 members, shall be 3 years,

(b) for 2 members, shall be 2 years, and

(c) for the remaining members, shall be 1 year,

but afterwards the term of office shall be 3 years.

(3) The Minister may, from among the members of the Alberta Library Board, appoint a chairman and any other officers he considers necessary.

4(1) A member of the Alberta Library Board is eligible to be reappointed only once for an additional consecutive term of office.

4 Section 9(3) is amended by striking out “or the secretary-treasurer of the school district within a national park, as the case may be,” **and substituting** “, or the Minister of Municipal Affairs in the case of the Jasper Improvement District”.

5 Section 10(5) is amended by adding “up to” **after** “term of”.

6 Section 14(2) is amended by striking out “the secretary-treasurer of a school district within a national park, as the case may be” **and substituting** “to the Minister of Municipal Affairs in the case of the Jasper Improvement District”.

7 Section 19 is amended

(a) by striking out “area or” **and substituting** “area, Metis settlement or”

(b) in clause (a) by striking out “areas or” **and substituting** “areas, Metis settlements or”.

(2) *Notwithstanding section 3, the term of office of a member continues until a member is appointed in his place.*

5 *The members of the Alberta Library Board who are not employees of the Government may be paid remuneration and receive payment for travelling and other expenses incurred in connection with the work of the Alberta Library Board as prescribed by the Minister.*

6(1) *The Alberta Library Board may make rules governing the conduct of its meetings and the carrying out of its duties and functions.*

(2) *Without limiting the generality of section 2(2), the Alberta Library Board may, with the approval of the Minister, 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.*

7 *The Alberta Library Board shall make an annual report on its work to the Minister, and the report shall be made at the time and in the manner the Minister determines.*

4 Section 9(3) presently reads:

(3) *On the passing of a by-law providing for the establishment of a municipal library board, the chief administrative officer or a designated officer of the municipality or the secretary-treasurer of the school district within a national park, as the case may be, shall forthwith forward a copy of the by-law to the Minister.*

5 Section 10(5) presently reads:

(5) *Subject to subsection (6), appointments to the municipal board shall be for a term of 3 years.*

6 Section 14(2) presently reads:

(2) *The budget and the estimate of money shall be forthwith submitted to the chief administrative officer of the municipality or the secretary-treasurer of a school district within a national park, as the case may be.*

7 Section 19 presently reads:

19 *Subject to this Act and the regulations, a municipality, improvement district, special area or school authority,*

(a) *on entering into and becoming a party to an agreement that contains provisions on terms required by regulations, with 1 or more municipalities, improvement districts, special areas or school authorities, and*

8 Section 21 is amended by striking out “area or” and substituting “area, Metis settlement or”.

9 Section 22 is amended

(a) by repealing clause (a) and substituting the following:

(a) one member for each municipality, Metis settlement and school authority that is a member of the library system who is appointed by the council of the municipality, Metis settlement or school authority,

(b) by adding “and” at the end of clause (b) and repealing clause (c).

10 Section 32(1) is amended by striking out “On the recommendation of the Alberta Library Board, the” and substituting “The”.

11 Section 34 is amended by striking out “may, on the recommendation of the Alberta Library Board,” and substituting “may”.

12 The following is added after section 34:

*(b) on complying with the regulations,
may request the Minister to establish a library system.*

8 Section 21 presently reads:

21 A municipality, improvement district, special area or school authority may, in accordance with the regulations, become a member of a library system by complying with the terms of the agreement referred to in section 19, becoming a party to the agreement and receiving the approval of the Minister.

9 Section 22 presently reads:

22 A library system board shall consist of

- (a) 1 member for each municipality and school authority that is a member of the library system, who is appointed by the council of the municipality or school authority, as the case may be,*
- (b) 1 member for each improvement district and special area that is a member of the library system, who is appointed by the Minister of Municipal Affairs,*
- (c) 2 members who are appointed by the Lieutenant Governor in Council, and*
- (d) any additional members appointed in accordance with the regulations.*

10 Section 32(1) presently reads:

32(1) On the recommendation of the Alberta Library Board, the Minister may establish a community library board and prescribe the boundaries of the community library.

11 Section 34 presently reads:

34 On the formation of a library system board or a municipal board in an area where a community board is authorized to provide library services, the Minister may, on the recommendation of the Alberta Library Board, order that a community board be dissolved and dispose of its property in consultation with the persons who were the members of the dissolved community board.

12 Federation boards.

Forming a
federation
board

PART 4.1

FEDERATIONS

34.1(1) Two or more municipal boards, on entering into an agreement that meets the requirements of this Act and the regulations, may request the Minister to establish a federation board.

(2) An agreement described in subsection (1) must include

(a) either The City of Calgary Library Board or The City of Edmonton Library Board as a party to the agreement;

(b) provisions on establishing a plan for the co-operative provision of library services among the parties to the agreement;

(c) provisions respecting the amount or portion of federation board expenses that each party to the agreement is responsible for.

(3) On receipt of a request under subsection (1), the Minister may

(a) establish a federation board, and

(b) name the federation board.

(4) On being established a federation board is a corporation that consists of one person selected by each of the parties to the agreement described in subsection (1).

(5) A municipal board may join an existing federation board if

(a) that municipal board applies for membership in the federation board,

(b) that municipal board meets the requirements of this Act and the regulations,

(c) that municipal board enters into an agreement with the federation board for membership and becomes a party to the agreement described in subsection (1),

(d) the members of the federation board make any necessary amendments to the agreement described in subsection (1), and

(e) the Minister approves the agreement referred to in clause (c), the amendments referred to in clause (d) and the municipal board's becoming a party to the agreement described in subsection (1).

(6) The Minister may order that a federation board be dissolved and dispose of its property in consultation with the members of the federation board when it is dissolved.

Operating a
federation
board

34.2(1) A federation board must

(a) facilitate the enhancement of library services offered by its members to the public, and

(b) encourage its members to co-operate with each other in the provision of library services to the public.

(2) A federation board may not borrow money for payment of its operating expenses in an amount that exceeds 50% of the money it spent on its operating expenses in the immediately preceding fiscal year.

(3) Each municipal board that is a party to an agreement referred to in section 34.1(1) must appoint one of its members to represent it at meetings of the federation board.

(4) A representative under subsection (3) may serve a term of up to 3 years.

(5) A federation board must prepare a budget prior to December 1 of each year for the next fiscal year.

(6) The fiscal year of a federation board is the same as the fiscal year of a municipality under the *Municipal Government Act*.

13 Section 37 is amended

(a) by renumbering it as section 37(1);

(b) in subsection (1) by striking out "3 months" and substituting "4 months";

13 Section 37 presently reads:

37 A board shall meet at least once every 3 months and at any other times it considers necessary.

(c) by adding the following after subsection (1):

(2) If the regulations require a library system board to have an executive, that executive must meet at least once every 3 months and at any other time it considers necessary.

14 Section 40 is amended

(a) in subsection (1)(b) by striking out “and” at the end of subclause (i) and adding the following after subclause (ii):

- (iii) photocopying,
- (iv) receiving information in a printed, electronic, magnetic or other format, and
- (v) receiving, on request, a library service not normally provided by a public library;

(b) in subsection (3)

(i) in clause (b) by striking out “materials” and substituting “resources”;

(ii) in clause (c) by striking out “materials” and substituting “resources, in any format,”;

(iii) by repealing clause (d) and substituting the following:

(d) acquiring library resources through inter-library loan;

(iv) by adding the following after clause (d):

- (e) consultation with members of the library staff;
- (f) receiving basic information service.

14 Section 40 presently reads:

40(1) A board may pass by-laws for the safety and use of the library, including

- (a) the terms and conditions under which
 - (i) the public may be admitted to the building,*
 - (ii) public library property may be used or borrowed by members of the public, and*
 - (iii) borrowing privileges may be suspended or forfeited;**
- (b) notwithstanding subsection (3), fees to be paid by members of the public for
 - (i) the issuance of library borrowing cards, and*
 - (ii) the use of those parts of the building not used for the purposes of the public library;**
- (c) penalties to be paid by members of the public for abuse of borrowing privileges.*

(2) The Regulations Act does not apply to by-laws passed under subsection (1).

(3) A by-law or part of a by-law that requires a member of the public to pay a fee or charge for any of the following is invalid:

- (a) admittance to any portion of a building used for public library purposes;*
- (b) using library materials on library premises;*
- (c) borrowing library materials normally lent by the library;*
- (d) acquiring library materials or information from other sources where the board considers that acquisition the most effective means of providing the library material or information.*

15 Section 41 is amended by striking out “or the secretary-treasurer of a school district situated within a national park, as the case may be” **and substituting** “or to the Minister of Municipal Affairs in the case of the Jasper Improvement District”.

16 Section 44 is amended

(a) in clause (h) by striking out “municipality or” **and substituting** “municipality, Metis settlement or”;

(b) by adding the following after clause (k):

- (l) respecting requirements for establishing a federation board and for membership in a federation board;
- (m) defining basic information service for the purposes of this Act.

15 Section 41 presently reads:

41 A municipal board, on passing a by-law under section 40, shall forthwith forward a copy of the by-law to the chief administrative officer of the municipality or the secretary-treasurer of a school district situated within a national park, as the case may be.

16 Section 44 presently reads in part:

44 The Minister may make regulations

(h) prescribing conditions to be complied with by any municipality or school authority prior to its association with a library system;

(k) subject to section 22, governing appointments to library system boards and the terms of office of their members.