

CHAPTER 193  
COUNTY LIBRARIES  
S. F. 201

AN ACT to provide for the establishment and maintenance of free public libraries for the use of rural inhabitants of counties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Counties may provide for the formation and mainten-  
2 ance of free public libraries open to the use of all inhabitants under  
3 proper regulations, and may purchase, erect, or rent buildings or  
4 rooms suitable for this purpose and provide for the compensation of  
5 necessary employees.

1 SEC. 2. A county library district may be established composed of  
2 the area of one or more counties. However, no county library district  
3 shall include therein the area of any city, town, township, or county  
4 now maintaining free library service unless the inclusion of such  
5 area shall be approved by a majority of the electors voting thereon  
6 residing outside of any such area maintaining free library service.  
7 The area of no city, town, township, or county now receiving free  
8 library service shall be included in such library district unless a  
9 majority of the electors voting thereon in each such area, voting sep-  
10 arately, assent to inclusion in such library district. Any such area seek-  
11 ing to be included in any existing county library district shall proceed  
12 as hereinafter provided for the establishment of an original district.  
13 Five percent of the electors, as determined by the vote for governor  
14 at the last general election, may petition the governing body  
15 or bodies having jurisdiction of the area comprising such district  
16 for the establishment of such county library. Said petition shall  
17 clearly designate the limits of such district. Upon receipt and verifica-  
18 tion of said petition the governing body or bodies of such area shall  
19 submit the proposition to the electors within such area at the next  
20 general election if said election occurs not less than forty days after  
21 the filing of said petition. A county library district shall be established  
22 if a majority of the electors in such proposed district vote in favor  
23 of such proposal.

1 SEC. 3. Counties may receive, hold and dispose of all gifts, dona-  
2 tions, devises, and bequests that may be made to them for the purpose  
3 of establishing, increasing, or improving any library. When the  
4 conditions thereof have been accepted by the county, their use for  
5 the county library may be enforced against the County Board of  
6 Supervisors by the library board by an action of mandamus or by  
7 other proper action.

1 SEC. 4. In any county or counties in which a library district has  
2 been established a board of library trustees, consisting of five, seven,  
3 or nine electors of the library district, shall be appointed by the Board  
4 or Boards of Supervisors of the county or counties comprising such  
5 library district. Membership on the library board shall be apportioned  
6 between the rural and city and town areas of the district in proportion  
7 to the population in each of such areas. In the event the library district  
8 is composed of two or more counties, representation on said library

9 board shall be equitably divided between or among said counties in  
10 proportion to the population in each of such counties.

1 SEC. 5. Of said trustees so appointed on boards to consist of nine  
2 members, three shall hold office for two years, three for four years,  
3 and three for six years; on boards to consist of seven members, two  
4 shall hold office for two years, two for four years, and three for six  
5 years; and on boards to consist of five members, one shall hold office  
6 for two years, two for four years, and two for six years, from the  
7 first day of July following their appointment in each case. At their  
8 first meeting they shall cast lots for their respective terms, reporting  
9 the result of such lot to the board of supervisors. All subsequent ap-  
10 pointments, whatever the size of the board, shall be for terms of six  
11 years each. Vacancies shall be filled for unexpired terms by the  
12 governing body of the taxing unit of the district represented by the  
13 retiring member.

1 SEC. 6. The board of library trustees may declare the office of a  
2 trustee vacant by his removal from the library district or his un-  
3 explained absence from six consecutive regular meetings.

1 SEC. 7. Members of said board shall receive no compensation for  
2 their services.

1 SEC. 8. Said board of library trustees shall have and exercise  
2 the following powers:

3 1. To meet and organize by the election of one of their number as  
4 president of the board, and by the election of a secretary and such  
5 other officers as the board may deem necessary.

6 2. To have charge, and supervision of the public library, its  
7 appurtenances and fixtures, and rooms containing the same, directing  
8 and controlling all the affairs of such library.

9 3. To employ a librarian, such assistants and employees as may  
10 be necessary for the proper management of said library, and fix  
11 their compensation; but, prior to such employment, the compensation  
12 of such librarian, assistants, and employees shall be fixed for the  
13 term of employment by a majority of the members of said board  
14 voting in favor thereof.

15 4. To remove such librarian, assistants, or employees by a vote  
16 of two-thirds of such board for misdemeanor, incompetency, or  
17 inattention to the duties of such employment.

18 5. To select and make purchases of books, pamphlets, magazines,  
19 periodicals, papers, maps, journals, furniture, fixtures, stationery,  
20 and supplies for such library.

21 6. To authorize the use of such libraries by school corporations  
22 or by nonresidents of the area which is taxed to support such libraries  
23 and to fix charges therefor.

24 7. To make and adopt, amend, modify, or repeal bylaws, rules,  
25 and regulations, not inconsistent with law, for the care, use, govern-  
26 ment, and management of such library and the business of said board,  
27 fixing and enforcing penalties for the violation thereof.

28 8. To have exclusive control of the expenditures of all taxes levied  
29 for library purposes as provided by law, and of the expenditures  
30 of all moneys available by gift or otherwise for the erection of library

31 buildings, and of all other moneys belonging to the library fund,  
32 including fines and rentals collected under the rules of the board of  
33 trustees. Said board shall keep a record of its proceedings.

34 9. To accept gifts of any property, including trust funds; to take  
35 the title to said property in the name of said library; to execute  
36 deeds and bills of sale for the conveyance of said property; and to  
37 expend the funds received by them from such gifts, for the improve-  
38 ment of said library.

1 SEC. 9. Library service shall be accomplished by one or more of  
2 the following methods in whole or in part:

3 1. By the establishment of depositories of books to be loaned at  
4 stated times and places.

5 2. By the transportation of books by conveyances for lending the  
6 same at stated times and places.

7 3. By the establishment of branch libraries for lending books.

1 SEC. 10. All moneys received and set apart for the maintenance  
2 of such library shall be deposited in the treasury of such county  
3 to the credit of the library fund, and shall be kept by the treasurer  
4 separate and apart from all other moneys, and paid out upon the  
5 orders of the board of trustees, signed by its president and secretary.

6 Provided that where a free public library is maintained jointly by  
7 two or more counties, the library trustees may elect a library treasurer  
8 therefor, and it shall be the duty of the city and county treasurers  
9 to pay over to said library treasurer any and all library taxes that  
10 may be collected by them monthly.

1 SEC. 11. The board of trustees shall, immediately after the close  
2 of each fiscal year, make to the board of supervisors a report contain-  
3 ing a statement of the condition of the library, the number of books  
4 added thereto, the number circulated, the number not returned or  
5 lost, the amount of fines collected, and the amount of money expended  
6 in the maintenance thereof during such year, together with such  
7 further information as it may deem important.

1 SEC. 12. In any county in which a free library has been established,  
2 the board of library trustees may condemn real estate in the name  
3 of the county for the location of library buildings and branch libraries,  
4 and for the purpose of enlarging the grounds thereof.

1 SEC. 13. The maintenance of a county library shall be on a propor-  
2 tionate population basis whereby each taxing unit as hereinafter  
3 defined shall bear its share in proportion to its population to the  
4 whole of said county library district. The board of library trustees  
5 shall on or before July 10 of each year certify to the county board  
6 or boards of supervisors, and to the councils of those cities or towns  
7 which are a part of the county library district, the amount in dollars  
8 to be raised by taxation on the taxable property in each taxing unit  
9 of the district. The entire rural area of each county in the library  
10 district shall be considered as a separate taxing unit. Each city and  
11 town which is a part of the county library district shall be considered  
12 as a separate taxing unit. The board of supervisors and the council  
13 of each city and town composing said county library district shall  
14 make the necessary millage levies accordingly for library maintenance

15 purposes of not to exceed two mills. Any unexpended balance in the  
16 library maintenance fund at the end of the fiscal year shall remain  
17 in said fund and be available without reappropriation.

1 SEC. 14. Section three hundred seventy-eight point fifteen (378.15),  
2 Code 1946, is amended by adding to said section the following:  
3 "Provided also, that the board of supervisors of any county may upon  
4 its own initiative, after it makes such contract, levy against all the  
5 taxable property of the county outside of cities and towns, a tax of  
6 not more than one mill to create a fund to fulfill its obligation under  
7 such contract. But twenty-five per cent of the electors of that part  
8 of the county outside of cities and towns, and as is determined by  
9 vote for governor at the last general election, may petition the  
10 county board of supervisors for calling an election, to be submitted  
11 at a special election or as a separate proposal at a general election or  
12 state election, for the purpose of establishing contract library service,  
13 by then existing or thereafter established public libraries, said  
14 petition shall clearly set out the terms of the contract, and the area  
15 to be served with such library service. Upon receipt and verification  
16 of said petition, the county board of supervisors shall submit the  
17 proposal to the electors within such area at a special election or  
18 at the next general or state election. Such contract library service  
19 shall be established if a majority of the electors of such proposed  
20 area vote in favor of such approval. The county board of supervisors  
21 may upon their own initiative and shall if such vote be favorable,  
22 appoint a contract library board of trustees to work out details of  
23 a cooperative arrangement with libraries then existing and thereafter  
24 established in cities and towns, the said contract library board of  
25 trustees to be charged with seeing that the terms are fulfilled under  
26 the general contract executed jointly by the board of supervisors  
27 and the trustees of the libraries in the county participating; after  
28 such contract is made, the county board of supervisors shall levy  
29 annually on the taxable property, outside of cities and towns, a tax  
30 of not more than one mill to create a fund to fulfill the obligations  
31 of the contract. The members of the said contract library board of  
32 trustees shall have the same qualifications as the trustees of public  
33 libraries and shall consist of the same number and have the same  
34 term of office as provided in 1946 Code, chapter three hundred seventy-  
35 eight (378) relating to existing public library trustees.

1 SEC. 15. This act shall not apply to the residents of any area  
2 receiving library service from any city or town library by contract  
3 under the provisions of Chapter three hundred seventy-eight (378),  
4 Code 1946.

Approved May 19, 1947.