

The Public Libraries Act, 1996

being

Chapter P-39.2 of the *Statutes of Saskatchewan, 1996*
(effective December 31, 1996) as amended by the *Statutes of
Saskatchewan, 1998, c.P-42.1; 2000, c.22; and 2002, c.C-11.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-39.2

An Act to provide for the Establishment, Development and Maintenance of Public Libraries

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Public Libraries Act, 1996*.

Interpretation

2 In this Act:

- (a) **“basic library services”** means those library services that are described in the regulations as basic library services;
- (b) **“council”** means the council of a municipality;
- (c) **“department”** means the department over which the minister presides;
- (d) **“elector”** means a person who is entitled to vote at an election of councillors in a municipality;
- (e) **“library”** means an information centre that:
 - (i) contains a collection of materials organized to provide physical, bibliographic and intellectual access to knowledge; and
 - (ii) has a staff that is trained to provide services and programs related to the information needs of its clientele;and includes branch libraries, bookmobiles and book deposits established or used in connection with a library;
- (f) **“library director”** means the librarian who is the chief executive officer of a municipal library, a regional library system or the northern library system;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) **“municipal library”** means a library continued or established pursuant to Part IV that provides library services to a single municipality;
- (i) **“municipal library board”** means the board responsible for the general management, regulation and control of a municipal library pursuant to section 13;
- (j) **“municipality”** means a city, town, village, resort village, rural municipality or northern municipality and includes that portion of the City of Lloydminster located in Saskatchewan;
- (j.1) **“newspaper”** means a publication or local periodical that:

- (i) contains primarily items of news; and
- (ii) is distributed at least weekly in a municipality or area that is affected by a matter with respect to which this Act requires publication in a newspaper;

but does not include a publication primarily for advertising or an advertising supplement to or contained in a newspaper;

(k) **“northern library system”** means the system of public libraries in northern Saskatchewan that is described in Part VI;

(l) **“northern library system board”** means the board responsible for the general management, control and operation of the northern library system pursuant to section 48;

(m) **“participating municipality”** means a municipality that participates in a regional library system;

(n) **“Provincial Librarian”** means the Provincial Librarian appointed pursuant to section 9;

(o) **“provincial public library system”** means all municipal libraries, regional libraries, including the local libraries located within regional libraries, and the northern library system, including northern community public libraries located within the northern library system;

(p) **“public library”** means any library established or continued pursuant to this Act;

(q) **“public library board”** means any board responsible for administering a public library;

(r) **“reciprocal borrowing”** means the granting of borrowing privileges as defined in the “Saskatchewan Libraries Reciprocal Borrowing Agreement”;

(s) **“regional library”** means a library continued or established pursuant to Part V to provide library services to more than one municipality;

(t) **“regional library board”** means the board responsible for the general management, control and operation of a regional library pursuant to section 32;

(u) **“regional library system”** means the system of regional libraries described in Part V.

PART II
The Provincial Public Library System

Purposes

3(1) The purposes of this Act are:

- (a) to establish a structure for the provincial public library system;
 - (b) to ensure equitable access to basic library services by all residents of Saskatchewan; and
 - (c) to recognize that the following are fundamental components of the provincial public library system:
 - (i) the Saskatchewan union catalogue composed of the records of public, academic, special and school libraries, regardless of the format in which those records are stored or accessed;
 - (ii) interlibrary loans;
 - (iii) reciprocal borrowing;
 - (iv) autonomous library boards.
- (2) The purposes of the provincial public library system are:
- (a) to facilitate equitable access to basic library services by all residents of Saskatchewan; and
 - (b) to ensure the existence and availability of:
 - (i) the Saskatchewan union catalogue composed of the records of public, academic, special and school libraries, regardless of the format in which those records are stored or accessed;
 - (ii) interlibrary loans;
 - (iii) reciprocal borrowing;
 - (iv) autonomous library boards.

1996, c.P-39.2, s.3.

Boundaries

4(1) The minister shall, by order, determine the boundaries of the areas to be served by municipal libraries, regional libraries and the northern library system.

(2) The minister's order mentioned in subsection (1) must be published in the Gazette.

2000, c.22, s.4.

Proposal for boundary change

4.1(1) Any of the following parties may propose a boundary change in accordance with this section:

- (a) a public library board;
 - (b) the City of Regina or Saskatoon;
 - (c) a participating municipality within the boundaries of the area served by a regional library;
 - (d) a northern municipality.
- (2) A party that proposes a boundary change shall:
- (a) publish a notice of the proposed change at least once each week for two successive weeks in at least one newspaper of general circulation in the areas affected by the proposed change;
 - (b) personally deliver or send by ordinary mail a copy of the notice of the proposed change to:
 - (i) the chairperson of the board of any local library located within the area of the proposed change;
 - (ii) the chairpersons of each of the following library boards affected by the proposed change:
 - (A) a municipal library board;
 - (B) a regional library board;
 - (C) the northern library system board;
 - (iii) the library directors of each public library board affected by the proposed change;
 - (iv) the council of any municipality located within the area of the proposed change; and
 - (v) the Provincial Librarian; and
 - (c) pay any costs associated with publishing and delivering or sending the notice of the proposed change in accordance with clauses (a) and (b).
- (3) The notice of the proposed boundary change must include:
- (a) a map and a description of the boundaries proposed to be changed;
 - (b) a brief explanation of the reasons for the proposed boundary change; and
 - (c) a statement that any person may, within four weeks after the last publication of the notice, file a written objection to the proposed change with the party that intends to apply for the boundary change.

(4) If an objection is filed in accordance with clause (3)(c), the party proposing the boundary change shall call a public meeting by publishing a notice in the manner described in clause (2)(a) and by personally delivering or sending by ordinary mail the notice to those persons mentioned in clause (2)(b), and that notice is required to contain information described in clauses (3)(a) and (b) and to state the date, time and place of the public meeting.

(5) The public meeting mentioned in subsection (4) shall not be held until one week after the day on which the notice of the meeting is last published, delivered or sent.

(6) The party proposing the boundary change shall:

- (a) conduct the public meeting and hear all persons who wish to make representations relevant to the proposed change; and
- (b) pay any costs associated with the public meeting.

2000, c.22, s.4.

Application for boundary change

4.2(1) In this section and in section 4.3, “**affected party**” means any of the following parties that is affected by a proposed boundary change:

- (a) the board of any local library located within the area of the proposed change;
 - (b) a municipal library board, a regional library board, or the northern library system board;
 - (c) the City of Regina or Saskatoon;
 - (d) a participating municipality within the boundaries of the area served by a regional library;
 - (e) a northern municipality.
- (2) If a party proposing a boundary change, after complying with section 4.1, wishes to proceed with the proposed boundary change, the party shall apply to:
- (a) the minister, if every affected party provides the party proposing the change with a certified copy of a resolution supporting the proposed change; or
 - (b) the Saskatchewan Municipal Board, with a copy to the minister, if any affected party does not provide the party proposing the change with a resolution supporting the proposed change.
- (3) An application pursuant to subsection (2) must include:
- (a) a map and a description of the boundaries proposed to be changed;
 - (b) a brief explanation of the reasons for the proposed boundary change;
 - (c) a proposal with respect to the transfer of assets and liabilities from one public library board to another;
 - (d) a certified copy of the resolution of the party requesting the proposed boundary change;

- (e) if available, a certified copy of the resolution of each affected party supporting the proposed change; and
 - (f) a copy of each written objection respecting the proposed boundary change filed with the party proposing the change in accordance with clause 4.1(3)(c), and a written summary of any public meeting held as required by subsection 4.1(4).
- (4) The minister may order that two or more applications made pursuant to clause (2)(a) be consolidated and treated as one application, or the Saskatchewan Municipal Board may order that two or more applications made pursuant to clause (2)(b) be consolidated and treated as one application, where the minister or the Saskatchewan Municipal Board, as the case may be, considers it expedient and in the public interest to do so.
- (5) The minister may request the Saskatchewan Municipal Board to review any application made pursuant to clause (2)(a), and the Saskatchewan Municipal Board shall review the application and shall make recommendations to the minister relating to the proposed boundary change.
- (6) The Saskatchewan Municipal Board shall make its decision, or submit its recommendation, with respect to an application in a written report to the minister.
- (7) The Saskatchewan Municipal Board, in reviewing or approving an application submitted pursuant to this section, shall consider any factors that the Saskatchewan Municipal Board considers relevant.
- (8) Without limiting the generality of subsection (7), the Saskatchewan Municipal Board may consider the following factors as relevant to an application submitted pursuant to this section:
- (a) the effect of the proposed boundary change on the provincial public library system;
 - (b) the financial impact of the proposed boundary change on each affected party;
 - (c) the library service needs of the areas and residents affected by the proposed change;
 - (d) which public library is likely to provide library services to the residents who will be most affected by the proposed change;
 - (e) any additional factors that may be prescribed in the regulations.

2000, c.22, s.4.

Approval or rejection of application

4.3(1) The minister or the Saskatchewan Municipal Board, as the case may be, may:

- (a) approve an application submitted pursuant to section 4.2, subject to any terms and conditions that the minister or the Saskatchewan Municipal Board, as the case may be, considers appropriate; or
- (b) reject an application submitted pursuant to section 4.2.

- (2) If the minister or the Saskatchewan Municipal Board, as the case may be, approves an application submitted pursuant to section 4.2, the minister or the Saskatchewan Municipal Board, as the case may be, shall give directions with respect to the transfer of assets and liabilities from one public library board to the other.
- (3) If the minister or the Saskatchewan Municipal Board, as the case may be, rejects an application submitted pursuant to section 4.2:
- (a) the minister shall send a notice of the rejection, by ordinary mail:
 - (i) to the party that submitted the application; and
 - (ii) to every affected party; and
 - (b) no subsequent application that is substantially similar, in the opinion of the minister or the Saskatchewan Municipal Board, as the case may be, may be made until one year after the rejection.
- (4) The minister may, by order, change the boundaries, subject to any terms and conditions that the minister considers appropriate:
- (a) if the minister approves an application made pursuant to clause 4.2(2)(a); or
 - (b) if no application is made pursuant to section 4.2, on the minister's own initiative after the minister consults with those parties who would be affected by a proposed boundary change.
- (5) The minister shall make an order pursuant to subsection (4) if the Saskatchewan Municipal Board approves an application submitted to it pursuant to clause 4.2(2)(b).
- (6) A change in boundaries is effective as at the date set out in the minister's order.
- (7) Every minister's order made pursuant to this section must be published in the Gazette.
- (8) The minister shall send a copy of any minister's order made pursuant to this section, by ordinary mail:
- (a) to the party that submitted the application pursuant to section 4.2, if applicable; and
 - (b) to every affected party.

2000, c.22, s.4.

Map of boundaries

4.4 The Provincial Librarian shall maintain:

- (a) a map of Saskatchewan showing the boundaries of the areas served by municipal libraries, regional libraries and the northern library system; and
- (b) a record of the legal description of those portions of Saskatchewan that constitute the area served by each municipal library and regional library and by the northern library system.

2000, c.22, s.4.

Duty to provide public library services

5(1) Each public library board shall:

- (a) participate in the provincial public library system; and
 - (b) provide public library services to the residents of Saskatchewan within the area it serves.
- (2) For the purposes of carrying out its duties pursuant to subsection (1), a public library board may:
- (a) promote the use of library materials;
 - (b) provide for planning and board training;
 - (c) co-operate with the Saskatchewan Provincial Library in developing and maintaining province-wide library services;
 - (d) acquire and maintain all basic library services and necessary equipment and supplies that may be required for the public library;
 - (e) provide any other services or perform any other functions that it considers necessary for the development, maintenance and operation of library services; and
 - (f) do any other things that it considers necessary or incidental to carrying out its functions or to promoting the purposes of this Act.

1996, c.P-39.2, s.5.

Use of public libraries to be free

6(1) Every resident of Saskatchewan is entitled to borrow, directly or by interlibrary loan, library materials held by any public library in Saskatchewan, subject to any reasonable conditions, other than the payment of a fee, that may be imposed by the responsible public library board.

(2) No public library board shall charge a fee for borrowing books and other print materials from public libraries by residents of Saskatchewan.

(3) A public library board may charge a fee to persons for:

- (a) borrowing any library materials other than those mentioned in subsection (2); or
- (b) providing any other service that is prescribed in the regulations.

(4) A public library board may, by bylaw, allow persons who are not entitled to borrow library materials by virtue of their residence to pay a fixed fee for the privilege of borrowing library materials.

1996, c.P-39.2, s.6.

Resolution of disputes within a library system

6.1(1) If a dispute arises within a regional library or the northern library system, the affected board shall, in the first instance, attempt to resolve the dispute, with or without the assistance of a third party.

- (2) If a dispute cannot be resolved pursuant to subsection (1), any board affected by the dispute may refer the dispute to a meeting of the chairpersons of the boards of public libraries and library directors, as convened pursuant to subsection 10(1).
- (3) On referral of a dispute to a meeting of the chairpersons and library directors pursuant to subsection (2), the chairpersons and library directors shall make recommendations, or appoint a committee that shall make recommendations, to the boards of public libraries for resolving the dispute, taking into account matters of concern to the provincial public library system.
- (4) If a dispute cannot be resolved pursuant to subsection (1) or (3), the minister, on receiving a written request signed by 10% of the councils participating in the regional library system or the northern library system, as the case may be, and representing at least one-third of the population of that library system, may appoint an independent commission of not more than three persons to render a decision with respect to the dispute.
- (5) For the purposes of rendering a decision with respect to a dispute, the members of the commission appointed pursuant to subsection (4) have all the powers of commissioners pursuant to *The Public Inquiries Act*.
- (6) The independent commission shall provide a copy of its decision, in writing, to:
- (a) the minister;
 - (b) the chairpersons of the boards of public libraries and library directors mentioned in subsection (2); and
 - (c) the councils that requested the appointment of the commission.
- (7) The costs of the independent commission are to be borne equally between:
- (a) the councils that requested the appointment of the commission; and
 - (b) the regional library board or the northern library system board affected by the dispute.
- (8) This section does not apply to an application for a boundary change.

2000, c.22, s.5.

Resolution of disputes between library systems

- 6.2(1) If a dispute arises between or among municipal library boards, regional library boards and the northern library system board, the affected boards shall, in the first instance, attempt to resolve the dispute, with or without the assistance of a third party.
- (2) If a dispute cannot be resolved pursuant to subsection (1), any board affected by the dispute may refer the dispute to a meeting of the chairpersons of the boards of public libraries and library directors, as convened pursuant to subsection 10(1).

- (3) On referral of a dispute to a meeting of the chairpersons and library directors pursuant to subsection (2), the chairpersons and library directors shall make recommendations, or appoint a committee that shall make recommendations, to the boards of public libraries for resolving the dispute, taking into account matters of concern to the provincial public library system.
- (4) If a dispute cannot be resolved pursuant to subsection (1) or (3), the minister, on receiving a written request from any board affected by the dispute, may appoint an independent commission of not more than three persons to render a decision with respect to the dispute.
- (5) For the purposes of rendering a decision with respect to a dispute, the members of the commission appointed pursuant to subsection (4):
- (a) have all the powers of commissioners pursuant to *The Public Inquiries Act*; and
 - (b) may make any order with respect to costs that the commission considers appropriate.
- (6) The independent commission shall provide a copy of its decision, in writing, to:
- (a) the minister; and
 - (b) the chairpersons of the boards of public libraries and library directors mentioned in subsection (2).
- (7) This section does not apply to an application for a boundary change.

2000, c.22, s.5.

Enforcement of commission's order or decision

6.3(1) A copy of any order or decision of the independent commission made pursuant to section 6.1 or 6.2 that is certified by the commission to be a true copy may be filed in the office of a local registrar of the Court of Queen's Bench.

(2) An order or decision of the commission that is filed pursuant to subsection (1) is to be entered as a judgment of the court and may be enforced as a judgment of the court.

2000, c.22, s.5.

Debt due

6.4 Any amount not paid pursuant to subsection 6.1(7) or pursuant to an order of the commission made pursuant to clause 6.2(5)(b) is a debt due and owing to the Crown in right of Saskatchewan and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

2000, c.22, s.5.

PART III
Saskatchewan Provincial Library

Provincial library continued

7(1) The branch of the department known as the provincial library is continued as the Saskatchewan Provincial Library.

(2) The minister shall direct the Saskatchewan Provincial Library to take any measures that the minister considers advisable to co-ordinate, facilitate and develop the activities of the provincial public library system, including:

- (a) acting as the central library for Saskatchewan;
- (b) providing cost-effective and appropriate central services to public libraries;
- (c) developing province-wide library policies and other library advisory functions;
- (d) establishing committees and task forces as necessary to assist in the development and co-ordination of planning services;
- (e) co-operating with any cultural or educational organization, institution, individual, library board, or municipality or with any government department in matters relating to the development, organization and operation of library services; and
- (f) performing any other functions that the minister considers will contribute to the development of the provincial public library system and that are consistent with its objectives.

1996, c.P-39.2, s.7.

Role of Provincial Librarian

8 For the purpose of co-ordinating the provincial public library system the Provincial Librarian may:

- (a) act as the primary agent for the development of a library and information infrastructure;
- (b) co-ordinate the development of standards for public library services;
- (c) co-ordinate resource sharing among public libraries and between public libraries and other libraries;
- (d) establish and co-ordinate ongoing development of an on-line union catalogue;
- (e) co-ordinate the improvement of access to information through the development of electronic databases and networks and the utilization of technology; and
- (f) conduct research and surveys, institute inquiries into and collect, sort and systematize information and statistics respecting library services.

1996, c.P-39.2, s.8.

Provincial Librarian and employees

9(1) The Public Service Commission may appoint as Provincial Librarian a person who has the qualifications prescribed in the regulations.

(2) The Provincial Librarian, under the direction of the minister, is responsible for the administration of this Act.

(3) Other librarians, supervisors, technicians, assistants, clerks, officers and employees that the Provincial Librarian considers necessary for the proper administration of this Act are to be appointed in accordance with *The Public Service Act, 1998*.

1996, c.P-39.2, s.9; 1998, c.P-42.1, s.42.

Advice to Provincial Librarian

10(1) At the request of the minister, the Provincial Librarian may convene meetings of the chairpersons of the municipal library boards, the regional library boards and the northern library system board and their library directors to provide advice to the minister on matters of concern to the provincial public library system.

(2) **Repealed.** 2000, c.22, s.6.

1996, c.P-39.2, s.10; 2000, c.22, s.6.

PART IV
Municipal Libraries
MUNICIPAL LIBRARIES

Existing municipal libraries continued

11 Subject to section 56, every existing municipal library established pursuant to *The Public Libraries Act, 1984* or any former Act respecting public libraries is continued.

1996, c.P-39.2, s.11.

Establishment

12(1) A municipal library may only be established in a municipality other than a northern municipality.

(2) On its own initiative, a council may establish a municipal library by bylaw.

(3) On receipt of a petition that requests the establishment of a municipal library and that is signed by at least 15% of the electors in the municipality, the council shall prepare and submit to the electors a proposed bylaw providing for the establishment of a municipal library in accordance with the provisions relating to petitions by electors for bylaws in the appropriate municipal Act.

(4) A council shall immediately send a certified copy of a proposed bylaw prepared by it pursuant to subsection (3) to the Provincial Librarian.

(5) Where the vote of the electors is in support of the proposed bylaw, the council shall immediately pass the bylaw.

(6) Where the vote of the electors is adverse to the proposed bylaw, the council shall not pass the bylaw and no new proposed bylaw for the same purpose may be submitted to the electors within the next 12 months.

(7) A vote of the electors is binding on the council whether or not that council is the council that submitted the proposed bylaw to the electors.

1996, c.P-39.2, s.12.

MUNICIPAL LIBRARY BOARDS

Municipal library board

13(1) The general management, regulation and control of a municipal library is vested in a board, to be known as “The (*name of municipality*) Public Library Board”, consisting of:

- (a) the mayor or reeve; and
 - (b) six or eight members, as determined by the council, appointed by the council from among the resident electors of the municipality, of whom not more than one may be a member of council other than the mayor or reeve.
- (2) A municipal library board is a corporation.
- (3) A council shall:
- (a) appoint the members of the municipal library board at or before the first meeting of the council in January; and
 - (b) fill a vacancy arising from any cause at the first meeting of the council after the vacancy occurs.
- (4) A person appointed pursuant to clause (3)(b) holds office during the unexpired portion of the term of the member in whose place he or she is appointed.
- (5) A member of a municipal library board other than a mayor or reeve holds office for two years, and until his or her successor is appointed, except when a board is first established, in which case:
- (a) one-half of the members then appointed, as designated by the council, hold office until the day of the first meeting of the council in January of the year following their appointment; and
 - (b) the remaining one-half of the members hold office until the day of the first meeting of the council in January of the second year following their appointment.
- (6) A member of a municipal library board who is absent from two successive regular meetings of the board without sufficient cause, as determined by the board, ceases to be a member, and the board shall so advise the council.
- (7) No employee of a municipal library board shall serve as a member of the board.

1996, c.P-39.2, s.13.

Chairperson

14(1) At its annual meeting, a municipal library board shall elect one of its members as chairperson.

(2) The chairperson holds office for one year and shall preside at meetings of the board.

(3) The chairperson has the right to vote at meetings of the board but does not have an additional or casting vote.

1996, c.P-39.2, s.14.

Secretary

15(1) The library director of a municipal library is the secretary to the municipal library board and to all committees of the board and shall be present at all meetings of the board and its committees, except those meetings or portions of meetings that deal with matters pertaining to the library director's salary and performance evaluation.

(2) The secretary has no right to vote.

1996, c.P-39.2, s.15.

Meetings

16(1) A municipal library board shall meet at least once every three months and at any other times that it considers necessary.

(2) The chairperson, or any two members of a municipal library board, may, at any time, summon a special meeting of the board for any purpose by giving notice, in writing or by other means, by resolution at a full meeting of the board, in the manner fixed by the board in the bylaws for giving those notices.

1996, c.P-39.2, s.16.

Quorum

17 A municipal library board shall not transact any business at any general or special meeting of the board unless at least four members are present.

1996, c.P-39.2, s.17.

Staff

18(1) A municipal library board shall appoint a person who has a degree in library or information science from a university accredited by the American Library Association as library director of the municipal library and, on the recommendation of the library director, may appoint any other librarians, officers, technicians, assistants, clerks and employees that are required for the efficient operation of the municipal library.

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(2) Subject to the approval of the minister, a municipal library board may join or establish, and support, any or all of the following for the benefit of the library director, staff of the board and the dependants of the library director and staff:

- (a) a pension or superannuation plan;
- (b) a group insurance plan;
- (c) any other pension, superannuation or employee benefit program.

1996, c.P-39.2, s.18.

Agreements for library services

19(1) A municipal library board may enter into agreements with the boards of other public libraries and with institutions, organizations, associations, corporations and individuals to provide library services.

(2) Notwithstanding subsection (1), no municipal library board shall enter into an agreement to provide library services to any other municipality, other than an agreement resulting from an alteration of boundaries pursuant to section 4.

1996, c.P-39.2, s.19.

Regina and Saskatoon libraries

20 The municipal library boards of Regina and Saskatoon may develop specialized resource centres and provide advanced reference services and, for those purposes, may:

- (a) develop special library collections and services not ordinarily provided in a municipal library, a regional library system or the northern library system;
- (b) co-operate with the Saskatchewan Provincial Library in developing province-wide services through interlibrary loan, reciprocal agreements and collection development planning; and
- (c) administer funds received from the Government of Saskatchewan, grants, local taxation, societies, individuals or government agencies for any purpose that the board considers necessary to develop library services.

1996, c.P-39.2, s.20.

ASSESSMENT AND TAXATION

Annual estimate

21(1) On or before March 1 in each year, a municipal library board shall make, or cause to be made, an estimate of the sums required during that year for:

- (a) the amount of principal and interest required for the annual payment of any outstanding debenture; and
- (b) the expense of maintaining and managing the municipal library under its control and for making the purchases required for the municipal library.

(2) The municipal library board shall transmit the estimate immediately after it is made to the clerk or administrator of the municipality for the consideration of the council.

1996, c.P-39.2, s.21.

Library mill rate

22(1) On or before March 15 in each year, or at any other time that may be required by the council, every municipal library board shall apply to the council for:

- (a) the amount of money that it estimates is required for the maintenance of the municipal library during that year, exclusive of all fees and other revenues it estimates will be collected or due to the municipal library; and
- (b) any additional amount that it considers expedient for permanent improvements in that year.

(2) On receipt of the estimate made pursuant to subsection (1), the municipality shall, unless it elects pursuant to subsection (5), make a special levy for the purpose of raising the money stated in the estimate or any part of the money that may be approved by the council, to be known as the library mill rate.

(3) Taxes for library purposes pursuant to this Act are to be levied and collected on the same basis as taxes for municipal purposes are levied and collected.

(4) All laws in force in the municipality relating to assessment and collection of taxes apply to the library mill rate.

(5) Notwithstanding subsections (1) to (4), where the sum required by a municipal library board in any year does not exceed \$2,000, the sum may be paid out of the general funds of the municipality without the imposition of a library mill rate.

(6) Where, pursuant to the appropriate municipal Act, a municipality may adjust a library mill rate or apply mill rate factors to the library mill rate:

- (a) the municipality may adjust the library mill rate or apply the mill rate factors in accordance with the appropriate municipal Act; and
- (b) the municipal library board may enter into any agreement that the taxing authority may enter into pursuant to the appropriate municipal Act.

1996, c.P-39.2, s.22.

Receipt and application of amounts levied

23(1) The treasurer of a municipality shall:

- (a) receive all money raised by the library mill rate in the same manner as municipal funds; and
- (b) subject to subsection (2), pay out that money to the municipal library board on the direction of the board.

(2) The treasurer shall apply the money raised by the library mill rate first to satisfy those amounts required to meet the interest and principal due or falling due on any debenture issued pursuant to the authority of this Act or any former Act respecting public libraries.

1996, c.P-39.2, s.23.

LOANS FOR PERMANENT IMPROVEMENTS

Application to council for capital expenditures

24(1) A municipal library board may apply to the council for a sum of money exceeding the amount of its estimate pursuant to section 21 for either or both of the following purposes:

- (a) acquiring a library building site;
- (b) erecting, repairing, furnishing and equipping a library building.

(2) On receipt of an application pursuant to subsection (1), the council may take the necessary steps to obtain and provide the sum or any portion of that sum applied for by the municipal library board that the council considers reasonable and necessary.

1996, c.P-39.2, s.24.

Borrowing bylaw

25 A council may borrow a sum approved by it pursuant to section 24 pursuant to the authority of a bylaw and on the security of debentures in the same manner as it may borrow money required for the general purposes of the municipality, and the provisions of the appropriate municipal Act, insofar as they are applicable and are not inconsistent with this Act, apply to:

- (a) bylaws for borrowing money pursuant to this Act; and
- (b) the issue and form of debentures for borrowing money, including the countersigning of those debentures.

1996, c.P-39.2, s.25.

Debentures

26 The debentures issued by a municipality pursuant to this Part to secure repayment of the sum borrowed by the issue of the debentures, together with the interest on the debentures, are a charge on the whole rateable property in the municipality, and the council has the power from time to time, as in the case of other debenture indebtedness, to assess, levy and collect all moneys necessary to meet the indebtedness incurred by the issue of the debentures.

1996, c.P-39.2, s.26.

DISSOLUTION OF MUNICIPAL LIBRARY

Dissolution of board

27(1) Where a municipal library board fails or neglects to open a municipal library to the public within two years after the board is appointed, the council, with the approval of the minister, may make an application to a judge of the Court of Queen's Bench who may make an order dissolving the board and vesting in the municipality all the real and personal property of the board.

(2) If the court makes an order pursuant to subsection (1), the council shall take possession of the property and dispose of it as the council considers advisable.

1996, c.P-39.2, s.27.

PART V
Regional Library System
 REGIONAL LIBRARIES

Existing regional libraries continued

28 Every existing regional library established pursuant to any former Act respecting public libraries is continued.

1996, c.P-39.2, s.28.

Regional libraries

29(1) The council of every municipality within the boundaries of a regional library shall:

- (a) participate in the regional library and make payments to the regional library of the annual grants and interest in accordance with any bylaw passed by the regional library board pursuant to subsection 43(3); and
- (b) comply with any additional terms and conditions set out in this Act or the regulations.

(2) Where the council of a municipality mentioned in subsection (1) contributes more than the percentage prescribed in the regulations of the annual grants made by all municipalities to a regional library board, the regional library board shall not require any increase in the amount of the grant unless the council of that municipality agrees.

(3) Where, pursuant to section 66, a regional library system enters into an agreement for the participation of Aboriginal peoples in the regional library system, the agreement must address the matter of representation of Aboriginal peoples on the board and executive committee.

(4) The council of every municipality participating in a regional library system may enter into a regional library agreement for the purposes of providing public library services within the regional library boundaries.

2000, c.22, s.7.

30 Repealed. 2000, c.22, s.8.

Winding up of regional library

31 Where a regional library ceases to operate or the regional library board is dissolved, the affairs and assets of the library are required to be wound up in accordance with the regulations.

1996, c.P-39.2, s.31.

REGIONAL LIBRARY BOARD

Regional library board

32(1) The general management, control and operation of a regional library is vested in a regional library board, to be known as “The (*name of regional library*) Regional Library”, consisting of one member appointed by each municipality that participates in the regional library agreement for each 5,000 of its population, or fraction thereof, appointed from among the electors resident within the municipalities participating in the regional library.

(2) A regional library board is a corporation.

(3) If there is a local library board in a municipality that participates in a regional library agreement, the council shall appoint persons who are members of the local library board as members of the regional library board.

(4) The council of each municipality that participates in a regional library agreement shall:

(a) appoint the members of the regional library board and their alternates at the first meeting of the council in January in each year; and

(b) fill a vacancy arising from any cause at the first meeting of the council after the vacancy occurs, and the person so appointed holds office during the unexpired portion of the term of the member in whose place he or she is appointed.

(5) A member of a regional library board holds office for a term of two years, commencing on the date of the annual meeting of the regional library board next following the appointment, and until his or her successor is appointed.

(6) A member of a regional library board who is absent from two successive regular meetings of the board without sufficient cause, as determined by the board, ceases to be a member, and the board shall so advise the council by which the member was appointed.

(7) Where a member of a regional library board is unable to attend a regular or special meeting of a regional library board, his or her alternate is, for that meeting, the official representative of the council with all the duties and responsibilities of the board member.

1996, c.P-39.2, s.32.

Chairperson and executive committee

33(1) At its annual meeting, a regional library board shall elect from among its members a chairperson and an executive committee to carry out the day-to-day business of the board and the operation of the regional library.

(2) A city or urban municipality with a population of 5,000 people or more must be proportionally represented in the composition of any executive committee elected pursuant to subsection (1), which committee includes the chairperson.

1996, c.P-39.2, s.33; 2000, c.22, s.9; 2002, c.C-11.1, s.403.

Secretary

34(1) The library director of a regional library:

- (a) is the secretary to the regional library board and to all committees of the board; and
- (b) shall be present at all meetings of the board and its committees, except those meetings or portions of meetings that deal with matters pertaining to his or her salary and performance evaluation.

(2) The secretary has no right to vote.

1996, c.P-39.2, s.34.

Meetings

35(1) A regional library board shall hold its annual meeting between January 1 and May 15 in each year.

(2) The secretary to the regional library board shall give each member at least 10 days' notice of every meeting of the regional library board.

1996, c.P-39.2, s.35.

Quorum

36 Except where a regional library board, by bylaw, otherwise provides, a majority of the members of the board or of the executive committee present constitutes a quorum.

1996, c.P-39.2, s.36.

Regional headquarters

37 Subject to the approval of the minister, a regional library board shall designate the location of the headquarters of the regional library.

1996, c.P-39.2, s.37.

Staff

38(1) Every regional library board shall appoint a person who has a degree in library or information science from a university accredited by the American Library Association as library director of the regional library and, on the recommendation of the library director, may appoint any other librarians, officers, technicians, assistants, clerks and employees that are required for the efficient operation of the regional library.

(2) A regional library board may pay to any employee retiring by reason of advanced age, ill health or other disability any gratuity or retiring allowance that the board considers appropriate.

(3) Subject to the approval of the minister, a regional library board may join or establish, and support, any or all of the following for the benefit of the library director, staff of the board and the dependants of the library director and staff:

- (a) a pension or superannuation plan;
- (b) a group insurance plan;
- (c) any other pension, superannuation or employee benefit program.

1996, c.P-39.2, s.38.

LOCAL LIBRARY BOARDS

Appointment

39 For the purpose of developing the local library in a municipality that participates in a regional library agreement, the councils of the municipalities whose residents use that local library shall appoint a local library board consisting of not less than five and not more than 15 members, including:

- (a) the regional library board members of each municipality whose residents use the local library; and
- (b) any other members that the councils of the municipalities appoint on an annual basis.

1996, c.P-39.2, s.39.

Responsibilities

40 The functions and responsibilities of the local library board are:

- (a) to interpret and implement regional library board policy in the communities using the local library;
- (b) to formulate policy respecting the development and operation of the local library in co-operation with the regional library board;
- (c) to advise the municipality in which the local library is located concerning the provision and maintenance of adequate accommodation for the local library;
- (d) to provide for planning and local library board training;
- (e) to undertake local library promotion and public relations campaigns in the community;
- (f) to take responsibility for special library programming;
- (g) in conjunction with the regional library board, to establish and maintain standards for hours of service and types of local service;
- (h) to recommend to the regional library board and to its library director programs and materials relevant to the interests and requirements of the local community;
- (i) to consult with and report on a regular basis to the council of the municipality with respect to which the local library board was created;
- (j) to advise the regional library board respecting the appointment and terms of employment of the staff for the local library;
- (k) to hold an annual meeting prior to the annual meeting of the regional library board;
- (l) to perform those other duties delegated by the regional library board; and
- (m) to perform those other functions in accordance with the regulations for the provision of adequate library services at the local level.

1996, c.P-39.2, s.40.

Facilities

- 41(1)** The councils of participating municipalities shall:
- (a) ensure that accommodation for local libraries is provided in accordance with the regulations; and
 - (b) contribute financially in an amount determined by the council for the provision and maintenance of that accommodation.
- (2) The councils of participating municipalities whose residents use a local library shall make decisions regarding the local library and its location:
- (a) in consultation with the local library board and the regional library board; and
 - (b) in accordance with any standards prescribed in the regulations.

1996, c.P-39.2, s.41.

Regional reference centre

- 42(1)** A regional library board may designate, in co-operation with the council of a participating municipality that has a local library, any number of those local libraries as regional reference centres in order to provide information and reference services for the region.
- (2) A regional reference centre designated pursuant to subsection (1) may develop special collections that respond to the specific needs of the region.
- (3) In addition to the functions and responsibilities described in section 40, a local library board that represents a regional reference centre designated pursuant to subsection (1) is to be known as a regional reference centre board, and shall:
- (a) administer those funds that may be received from the regional library board, the municipality or from local contributions for the purpose of developing the collection and of providing library reference services;
 - (b) formulate collection development policies in co-operation with the regional library board;
 - (c) advise the regional library board with respect to the appointment of staff required by the regional reference centre library; and
 - (d) perform any additional duties delegated to it by the regional library board that are not inconsistent with this Act and the regulations.

1996, c.P-39.2, s.42.

FINANCE**Grants by municipalities**

- 43(1)** A council of participating municipality shall make an annual grant to the regional library.
- (2) A regional library board shall determine the amount of the annual grant to be made by each participating municipality.

- (3) A regional library board may, by bylaw:
- (a) set out the procedures for the payment of annual grants by participating municipalities;
 - (b) set the date by which annual grants from participating municipalities must be paid; and
 - (c) set out the manner in which interest is to be calculated on amounts not paid when due.

1996, c.P-39.2, s.43; 2000, c.22, s.10.

Special library tax levy

44(1) A council of a municipality may raise the moneys required for the purpose of section 43 by including them in the general municipal tax levy or by a special library tax levy.

- (2) Where moneys are raised by a special library tax levy:
- (a) the municipality shall levy the tax in the same manner as municipal taxes; and
 - (b) the provisions of the following Acts apply to the tax in the same manner and to the same extent as if the tax were part of the general municipal levy:
 - (i) the appropriate municipal Act respecting the assessment and collection of municipal taxes, including:
 - (A) penalties for non-payment; and
 - (B) enforcing payment of the tax; and
 - (ii) *The Tax Enforcement Act*.

1996, c.P-39.2, s.44.

Support for public libraries

45 A council of a municipality participating in a regional library agreement may raise money in the manner provided by section 44 for any purpose related to the provision of library services.

1996, c.P-39.2, s.45.

PART VI
Northern Library System

Interpretation

46 In this Part:

- (a) **“board of education”** means a board of education as defined in *The Education Act*;
- (b) **“local school advisory committee”** means a local school advisory committee as defined in *The Education Act*;

(c) “**northern Saskatchewan**” means the Northern Saskatchewan Administration District;

(d) “**regional college board**” means the board of a regional college established or continued pursuant to *The Regional Colleges Act*.

1996, c.P-39.2, s.46.

Northern Library Office continued

47(1) The Northern Library Office is continued as the northern library system.

(2) The northern library system shall:

- (a) act as the central library for northern Saskatchewan;
- (b) maintain a central library facility in northern Saskatchewan;
- (c) act as a co-ordinating agency for school, regional college, public and special libraries in northern Saskatchewan;
- (d) provide library services that, in the opinion of the board, are necessary for remote areas of northern Saskatchewan;
- (e) co-operate with the Saskatchewan Provincial Library in maintaining province-wide library services; and
- (f) perform any other related functions that the Lieutenant Governor in Council may direct.

1996, c.P-39.2, s.47.

Northern library system board

48(1) The general management, control and operation of the northern library system is vested in a board, to be known as “The (*name adopted by the northern library system*)”, consisting of:

- (a) one person appointed by the local school advisory committee or board of education of each school division located within the area served by the northern library system that has a library that is part of the northern library system;
- (b) one person appointed by each Indian band, as defined in the *Indian Act* (Canada), that is located and operates a school library or northern community public library in northern Saskatchewan and that participates in the northern library system;
- (c) one person appointed by the board of each northern community public library providing library services within the area served by the northern library system; and
- (d) one person appointed by the regional college board and each post-secondary institution board providing library services within the area served by the northern library system.

- (2) The northern library system board is a corporation.
- (3) Where two or more of the bodies that appoint persons pursuant to subsection (1) encompass or service the same geographic area in northern Saskatchewan, they, by agreement, may appoint one person to act as the appointee of all of them.
- (4) A person is not eligible to be appointed or to continue as a member of the northern library system board if that person is:
- (a) an employee of the board;
 - (b) employed in a library operated by a body that is entitled to appoint a member to the board; or
 - (c) not a resident of an area served by the northern library system.
- (5) A member of the northern library system board holds office for a term of two years, commencing on the date of the annual meeting of the board, and until his or her successor is appointed.
- (6) A member of the northern library system board who is absent from two successive regular meetings of the board without sufficient cause, as determined by the board, ceases to be a member, and the board shall advise the body by which the member was appointed.
- (7) A body that may appoint members to the northern library system board shall fill a vacancy arising from any cause at its first meeting after the vacancy occurs, and the person so appointed holds office during the unexpired portion of the term of the member in whose place he or she is appointed.

1996, c.P-39.2, s.48.

Chairperson

49 The northern library system board shall, at its annual meeting, elect a chairperson from among its members.

1996, c.P-39.2, s.49.

Executive committee

50(1) Subject to subsection (2), the northern library system board may:

- (a) appoint from among its members an executive committee; and
 - (b) by bylaw, delegate to the executive committee any of its powers on any terms and conditions that it considers necessary for the efficient conduct of the affairs and business of the northern library system.
- (2) The northern library system board shall ensure that the membership of the executive committee includes, where possible, at least two members of the board appointed pursuant to clause 48(1)(b).
- (3) A member of the executive committee holds office, while continuing to be a member of the northern library system board, until the expiration of the term for which he or she was appointed, unless sooner removed by resolution of the board.
- (4) The executive committee may exercise any powers of the northern library system board that are delegated to it by a bylaw of the board made pursuant to clause (1)(b).

- (5) The executive committee shall:
- (a) keep minutes of its proceedings and decisions; and
 - (b) submit to the northern library system board, at each meeting of the board, minutes of the executive committee's proceedings and decisions during the period since the last meeting of the board.
- (6) A quorum for the executive committee is a majority of its members present.

1996, c.P-39.2, s.50.

Secretary

- 51(1)** The library director shall:
- (a) act as secretary to the northern library system board and to all committees of the board; and
 - (b) be present at all meetings of the board and the committee, except those meetings or portions of meetings that deal with matters pertaining to the library director's salary and performance evaluation.
- (2) The secretary has no right to vote.

1996, c.P-39.2, s.51.

Meetings

- 52(1)** The northern library system board shall hold its annual meeting between January 1 and May 15 in each year.
- (2) Any member may participate in a meeting of the northern library system board or of any of its committees by means of telephone or other communications facilities that permit all persons participating in the meeting to hear and communicate with each other.

1996, c.P-39.2, s.52.

Quorum

- 53(1)** The northern library system board shall fix the quorum necessary for the transaction of its business.
- (2) A member participating in a meeting by the means described in subsection 52(2) is deemed to be present at that meeting for the purpose of determining whether a quorum exists.

1996, c.P-39.2, s.53.

Northern library system headquarters

- 54** Subject to the approval of the minister, the northern library system board shall designate the location of the headquarters of the northern library system.

1996, c.P-39.2, s.54.

Staff

55(1) The northern library system board shall appoint a person who has a degree in library or information science from a university accredited by the American Library Association as library director of the northern library system and, on the recommendation of the library director, may appoint any other employees that may be required for the efficient operation of the northern library system.

(2) Subject to the approval of the minister, the northern library system board may join or establish, and support, any or all of the following for the benefit of the library director, staff of the board and the dependants of the library director and staff:

- (a) pension or a superannuation plan;
- (b) a group insurance plan;
- (c) any other pension, superannuation or employee benefit program.

1996, c.P-39.2, s.55.

NORTHERN COMMUNITY PUBLIC LIBRARY BOARDS

Existing libraries continued

56(1) Every existing community library established pursuant to any former Act respecting public libraries is continued as a northern community public library.

(2) Every existing municipal library in northern Saskatchewan established pursuant to *The Public Libraries Act, 1984* or any former Act respecting public libraries is continued as a northern community public library.

1996, c.P-39.2, s.56.

Establishment

57(1) A northern community public library may be established in any northern municipality or other area prescribed in the regulations, or by agreement between two or more northern municipalities or areas of northern Saskatchewan where no other public library is established.

(2) A northern community public library is to be established pursuant to the conditions and in the manner provided for in this Part and the regulations.

1996, c.P-39.2, s.57.

Board appointment

58(1) The councils of the northern municipalities in which a northern community public library is established shall appoint a board consisting of not less than five and not more than 15 members.

(2) A northern community public library board is a corporation.

- (3) A person is not eligible to be appointed or continue as a member of a northern community public library board if that person is:
- (a) an employee of the board; or
 - (b) not a resident of northern Saskatchewan.
- (4) A member of a northern community public library board holds office for a term of two years, commencing on the date of the annual meeting of the board, and until his or her successor is appointed.
- (5) A member of a northern community public library board who is absent from two successive regular meetings of the board without sufficient cause, as determined by the board, ceases to be a member and the board shall so advise the body by which the member was appointed.
- (6) A council shall fill a vacancy arising from any cause at its first meeting after the vacancy occurs, and the person so appointed holds office during the unexpired portion of the term of the member in whose place he or she is appointed.
- (7) Where a northern community public library is a joint venture library involving the local school, the school board is entitled to appoint at least one member to the board and the school librarian is a member of the board with no right to vote.

1996, c.P-39.2, s.58.

Chairperson

59 A northern community public library board shall, at its annual meeting, elect a chairperson from among its members.

1996, c.P-39.2, s.59.

Staff

60(1) The northern community public library board shall appoint any staff that may be required for the efficient operation of the northern community public library.

(2) Subject to the approval of the minister, the northern community public library board may join or establish, and support, any or all of the following for the benefit of the staff of the northern community public library board and the dependants of the staff:

- (a) a pension or superannuation plan;
- (b) a group insurance plan;
- (c) any other pension, superannuation or employee benefit program.

1996, c.P-39.2, s.60.

Facilities

61(1) A northern municipality shall:

- (a) ensure that accommodation for local libraries is provided in accordance with the regulations; and

- (b) contribute financially in an amount determined by the council for the provision and maintenance of that accommodation.
- (2) The northern municipality whose residents use a local library shall make decisions regarding the local library and its location:
 - (a) in consultation with the northern community public library board responsible for the services provided from the northern community library facility; and
 - (b) in accordance with any standards prescribed in the regulations.

1996, c.P-39.2, s.61.

Dissolution of northern community public library

62(1) Subject to subsection (3), the minister may, by order, dissolve a northern community public library board where:

- (a) the membership in the northern community public library does not include at least 20 persons who are 18 years of age or older;
 - (b) the board fails or neglects to keep the northern community public library open to the public for one year or more; or
 - (c) the board fails to furnish an annual report, as required by this Act, for two consecutive years.
- (2) Where the minister makes an order pursuant to subsection (1), the minister may take possession of all the books, buildings, lands or other assets of the northern community public library board and transfer them to another public library or may dispose of them in any other manner that the minister considers appropriate.
- (3) Notwithstanding the dissolution of a northern community public library board pursuant to this section, the board is deemed to subsist for the purpose of doing anything necessary to wind up its affairs, including, subject to subsection (2), the disposal of its property.

1996, c.P-39.2, s.62.

PART VII
Grants

Grants by municipalities, etc.

63 Notwithstanding any other Act or law, in order to establish or maintain or to assist in establishing or maintaining a public library and its services:

- (a) a municipality may, out of its general revenues, contribute annually those sums that may be determined by a resolution of the council; and
- (b) the board of trustees of any school district or the board of any school unit may contribute those amounts that it may determine.

1996, c.P-39.2, s.63.

Government grants

64 In accordance with any terms and conditions that are prescribed in the regulations, the minister may make grants to any person, agency, organization, association, institution, board or public library within or outside Saskatchewan for the purpose of:

- (a) assisting in the establishment of any public library; or
- (b) contributing towards the maintenance of any public library.

1996, c.P-39.2, s.64.

Grants to northern library system board

65 Notwithstanding any other Act, in order to establish, maintain or operate the northern library system or to maintain the provision of its services, any body that is entitled to appoint a member to the northern library system board may make any grant or other contribution to the northern library system in any amount that it may determine.

1996, c.P-39.2, s.65.

PART VIII Aboriginal peoples

Participation in provincial public library system

66(1) A public library board, a municipal library, a regional library system, the northern library system or the Saskatchewan Provincial Library may enter into any agreements or arrangements necessary to facilitate the participation of Aboriginal peoples in the provincial public library system.

(2) The Lieutenant Governor in Council may make any regulations necessary to give effect to any agreement entered into in accordance with subsection (1), including regulations providing for the participation of Aboriginal peoples on public library boards and to otherwise adopt this Act to accommodate Aboriginal participation in the provincial public library system.

1996, c.P-39.2, s.66.

PART IX General LIBRARY POLICIES AND BYLAWS

Policy statement

67(1) A public library board, other than a local library board appointed pursuant to section 39, shall prepare a policy statement to govern the operations of its library or libraries, and shall include in that statement:

- (a) the responsibilities of the board and the library director;
- (b) the aims and objectives of the library; and

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- (c) any other matters that it considers necessary for the proper operation of its library system.
- (2) A public library board mentioned in subsection (1) may amend or alter its policy statement.

1996, c.P-39.2, s.67; 2000, c.22, s.11.

Bylaws

- 68(1)** A public library board shall make bylaws governing:
 - (a) the procedure and policy for its meetings; and
 - (b) the carrying out of the business of the board and the executive committee.
- (2) A public library board may make bylaws respecting:
 - (a) the safety and use of its libraries;
 - (b) the admission of the public to its libraries; and
 - (c) all other matters and things connected with the management of the library and with the management of all property under its control intended to affect persons in their use of the library or its property.
- (3) A public library bylaw has no effect and is not binding on any person until a copy of the bylaw, certified by the chairperson of the public library board, is posted in a conspicuous place in the library.
- (4) No person shall contravene a public library bylaw.
- (5) Every person who contravenes a public library bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

1996, c.P-39.2, s.68.

REGULATION OF USE OF LIBRARIES AND MATERIALS

Library property

- 69(1)** Books, recordings, films and other library materials held by a public library are the property of that public library board.
- (2) The public library board may insure its real and personal property against loss from any cause.
- (3) A public library board may impose a penalty on persons who retain library materials for a longer period than the period specified or authorized at the time the materials were borrowed.
- (4) Nothing in this Act precludes the recovery in a court of law of the value of articles or things damaged, not returned or destroyed from the party responsible.

(5) Any person who, without the consent of the public library board, wilfully retains or mutilates or destroys library property is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

(6) Any person convicted of an offence pursuant to subsection (5) may be required to provide restitution to the public library board against which the offence was committed.

1996, c.P-39.2, s.69.

Special constable

70(1) On the request of a public library board operating within a municipality, the municipal board of police commissioners or the council may appoint a special constable for the purpose of:

- (a) preserving the peace in the grounds and buildings of the library;
- (b) preventing theft or destruction or damage to the property of the library;
and
- (c) preventing any breach of the peace in the library and apprehending offenders.

(2) A special constable acting within the course of his or her duties is a peace officer.

1996, c.P-39.2, s.70.

Disorderly behaviour

71 Any person who by rude or disorderly behaviour or by making undue noise disturbs another person in a library is guilty of an offence and is liable on summary conviction to a fine not exceeding \$250.

1996, c.P-39.2, s.71.

RECORDS AND ACCOUNTING

Records and minutes of meetings

72(1) All public library boards shall enter all orders and proceedings in books kept for that purpose, and the chairperson shall sign the orders and proceedings.

(2) The orders and proceedings of a public library board entered and purporting to be duly signed are admissible in evidence as proof, in the absence of evidence to the contrary, of the order or proceedings in any judicial and other proceedings.

1996, c.P-39.2, s.72.

Accounts and audit

73(1) Every public library board shall keep distinct and regular accounts of its receipts, payments, assets and liabilities.

(2) The auditors of the municipality shall audit the accounts of a municipal library board in the same manner and at the same time as other accounts of the municipality, and immediately after the audit, the board shall lay the accounts before the council.

- (3) Every regional library board shall submit its accounts annually to be audited by an auditor designated by the board.
- (4) The northern library system board shall submit its accounts annually to be audited by an auditor designated by the board.

1996, c.P-39.2, s.73; 2000, c.22, s.12.

Annual report

74(1) By May 15 in each year, each municipal library board, each regional library board and the northern library system board shall prepare:

- (a) a report on the operations of the library system during the preceding fiscal year; and
 - (b) an audited financial statement for the library system for the preceding fiscal year, in the form prescribed in the regulations.
- (2) A municipal library board shall submit its annual report and financial statement to the minister and to the council.
 - (3) A regional library board shall submit its annual report and financial statement to the minister and to the council of each participating municipality.
 - (4) The northern library system board shall submit its annual report and financial statement to the minister and to each body that has appointed a current member of the board.
 - (5) A northern community public library board shall submit its annual report to:
 - (a) the minister;
 - (b) the northern library system board; and
 - (c) each council that has appointed a current member of the board.
 - (6) The fiscal year of a municipal library, a regional library system and the northern library system is the calendar year or any other period prescribed in the regulations.

1996, c.P-39.2, s.74; 2000, c.22, s.13.

Minister's access to records

75 When requested by the minister, every public library board shall furnish the minister with the required information respecting the organization, equipment, cost, maintenance, finances and use made of the library.

1996, c.P-39.2, s.75.

Confidential records

76 No librarian or other employee of a public library shall disclose any information concerning any patron, or patron record, of the public library obtained in the course of performing his or her duties, except:

- (a) for the purposes for which the information was provided or obtained; or
- (b) with the consent of the patron.

1996, c.P-39.2, s.76.

LEGAL PROCEEDINGS

Actions not invalid

77 No resolution, bylaw, proceeding or action of any public library board is invalid or may be set aside for the reason only that a person whose appointment has been annulled or declared illegal acted as a member of the board.

1996, c.P-39.2, s.77.

Actions barred

78 No action or other proceeding for damages lies or is to be instituted against a board or council, a member of a board or council, or a library director or library staff for any act done in good faith in the execution or intended execution of any duty or function or for any alleged neglect or default in the execution in good faith of any duty or function pursuant to this Act.

1996, c.P-39.2, s.78.

Limitation of actions

79 No action, prosecution or other proceeding not barred by section 78 lies or is to be instituted unless it is commenced:

- (a) within 12 months after the cause of action arose, or, in the case of continuance of injury or damage resulting from the act giving rise to the cause of action, within 12 months after it ceases; or
- (b) within any further time that the court may allow.

1996, c.P-39.2, s.79.

MISCELLANEOUS

Joint venture libraries

80(1) A public library board may enter into an agreement with any other organization for the purpose of providing public library services pursuant to section 5 from a single facility.

(2) An agreement established pursuant to subsection (1) must include the terms and conditions that are prescribed in the regulations.

1996, c.P-39.2, s.80.

Municipal Acts apply

81 For the purpose of carrying out the provisions of this Act in a municipality in which a library is established, either before or after the coming into force of this Act, the provisions of the appropriate municipal Acts relating to any matter or proceeding contained in this Act are, subject to any modifications or conditions contained in this Act, deemed to be part of this Act.

1996, c.P-39.2, s.81.

Powers of public library boards

82(1) A municipal library board, regional library board, the northern library system board, or a northern community public library board may:

- (a) acquire, rent or lease and maintain any necessary lands and buildings, or erect any necessary buildings;
 - (b) sell, exchange, lease or otherwise dispose of any of its lands or buildings no longer required for public library purposes;
 - (c) borrow on the security of its assets for the purpose of operating the public library or for the purchase of equipment, except that a northern community public library board may not in any fiscal year borrow an amount larger than the amount it received as a grant from the Government of Saskatchewan in the previous fiscal year;
 - (d) establish and maintain a capital fund to be used for the acquisition or leasing of buildings and equipment;
 - (e) invest any part of the capital fund or other moneys of the public library board in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993* and dispose of the investments it considers appropriate;
 - (f) accept any gift, grant, devise or bequest of any property or moneys made to it;
 - (g) act as a trustee of any moneys or property given in any manner for the support of the library system;
 - (h) enter into any agreements for the purposes of performing the duties imposed and exercising the powers conferred on it by this Act; and
 - (i) do anything that it considers necessary or incidental to carrying out its duties or exercising its functions or that it considers necessary or incidental to carrying out the purposes of this Act.
- (2) Notwithstanding subsection (1), the northern library system board shall obtain the prior approval of the minister before acquiring, altering or disposing of any of its real property or borrowing money or granting an encumbrance of any kind on its real property.

1996, c.P-39.2, s.82.

Regulations

83 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) describing basic library services;
- (c) **Repealed.** 2000, c.22, s.14.

- (c.1) for the purposes of clause 4.2(8)(e), prescribing additional factors that may be considered by the Saskatchewan Municipal Board in reviewing or approving an application;
- (d) for the purposes of clause 29(1)(b), prescribing any additional terms and conditions with respect to participation in a regional library system;
- (d.1) for the purposes of subsection 29(2), prescribing the percentage of annual grants made by all municipalities to a regional library board;
- (e) respecting the dissolution of a regional library;
- (f) respecting the procedure for the winding-up of a regional library and for the disposition of its assets;
- (g) providing for the administration of gifts made to libraries;
- (h) providing for the maintenance, operation and management of libraries;
- (i) respecting the forms for and the manner of making reports respecting the equipment, cost, maintenance and finances of libraries;
- (j) respecting the responsibilities of local library boards;
- (k) providing standards for library facilities;
- (l) respecting the terms and conditions under which a northern community public library may be established;
- (m) providing for the representation on a northern community public library board of any area mentioned in section 57;
- (n) providing for the participation of Aboriginal peoples in the provincial public library system;
- (o) respecting the terms and conditions for agreements to create joint venture libraries;
- (p) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1996, c.P-39.2, s.83; 2000, c.22, s.14.

PART X

Transitional, Repeal and Coming into Force

Transitional

84 A municipality within the regional library boundaries described in the regulations that is not a participating municipality at the coming into force of this Act must become a participating municipality within six months after the coming into force of this Act.

1996, c.P-39.2, s.84.

S.S. 1983-84, c.P-39.1 repealed

85 *The Public Libraries Act, 1984* is repealed.

1996, c.P-39.2, s.85.

