

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1256

Introduced by McKinney, 11.

Read first time January 20, 2022

Committee: General Affairs

1 A BILL FOR AN ACT relating to libraries; to amend sections 51-202,
2 51-204, 51-211, and 51-213, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to public libraries; to require the
4 election of library board members of a city of the metropolitan
5 class; to harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 51-202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 51-202 (1) Except for cities of the metropolitan class as provided
4 under subsection (4) of this section, when ~~when~~ any city council or
5 village board decides by ordinance to establish and maintain a public
6 library and reading room under sections 51-201 to 51-219, the city
7 council or village board shall establish a library board. The library
8 board shall have at least five members. Neither the mayor nor any member
9 of the city council or village board shall be a member of the library
10 board. Except as otherwise provided in subsection (2) or (4) of this
11 section, the city council or village board shall by ordinance determine
12 the number of members, whether the members are elected or appointed, and
13 the length of the terms of the members. The terms of members serving on
14 the effective date of a change in the number of members shall not be
15 shortened, and the city council or village board shall provide for the
16 appointment or election of their successors. In cases of vacancies by
17 resignation, removal, or otherwise, the city council or village board
18 shall fill such vacancy for the unexpired term. No member shall receive
19 any pay or compensation for any services rendered as a member of the
20 board.

21 (2) If the city council or village board by ordinance provides for
22 appointment of the members to the library board, such library board
23 members shall be appointed by a majority vote of the members of the city
24 council or village board. If an interlocal agreement, a memorandum of
25 understanding, or any other contractual agreement between the city or
26 village and another political subdivision providing for library services
27 allows representation from the other political subdivision on the library
28 board from outside the city or village, the governing board of the other
29 political subdivision may appoint one or more members to the library
30 board as provided in the interlocal agreement, memorandum of
31 understanding, or other contractual agreement.

1 (3) If the city council or village board adopts an ordinance to
2 provide for the election of library board members ~~at municipal elections~~
3 ~~in April, it shall follow the statutes governing municipal elections. If~~
4 ~~the municipal election is to be held in conjunction with the statewide~~
5 ~~primary election,~~ the election shall be held as provided in the Election
6 Act. If the board members are to be elected, the city council or village
7 board shall give public notice of such election after the adoption of
8 such ordinance naming the offices to be filled, the length of terms, and
9 the filing deadline for the placing of names of candidates on the ballot.

10 (4)(a) Any city council of a city of the metropolitan class that
11 establishes and maintains a public library and reading room under
12 sections 51-201 to 51-219 shall provide for the nonpartisan election of
13 library board members held as provided in the Election Act. There shall
14 be one member elected from each city council district and two at-large
15 members who must be registered voters residing within such city or, if an
16 interlocal agreement, a memorandum of understanding, or any other
17 contractual agreement between the city and another political subdivision
18 providing for library services allows representation from the other
19 political subdivision on the library board from outside the city, the two
20 at-large members may be registered voters residing within such political
21 subdivision. Members of the library board may hold other elected office
22 not prohibited under sections 51-201 to 51-219 but may not be a full or
23 part-time employee of any library overseen by the board. Such members
24 shall serve a term of four years and are eligible for reelection.

25 (b) Members of an appointed library board for a city of the
26 metropolitan class already established as of the effective date of this
27 act may continue to serve in such capacity until their successors are
28 elected at the next general election in accordance with the Election Act
29 and sections 51-201 to 51-219.

30 Sec. 2. Section 51-204, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 51-204 (1) The members of any city, village, county, or township
2 library board shall immediately after their appointment, or within ten
3 days after such members take office following their election, meet and
4 organize by electing from their number a president, secretary, and such
5 other officers as may be necessary. A majority of the members of a city,
6 village, county, or township library board shall constitute a quorum for
7 the transaction of business.

8 (2) The library board of a city of the metropolitan class shall
9 appoint a finance committee and a facilities committee from among its
10 members and appoint other committees as needed. A library board of a city
11 of the metropolitan class shall publicize and hold regular monthly
12 meetings open to the public. Such public meetings shall be subject to the
13 Open Meetings Act.

14 Sec. 3. Section 51-211, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 51-211 (1) The library board may erect, lease, or occupy an
17 appropriate building for the use of a library, appoint a suitable
18 librarian and assistants, fix the compensation of such appointees, and
19 remove such appointees at the pleasure of the board.

20 (2) The library board of a city of the metropolitan class may
21 appoint a library director to oversee the library facilities and any
22 appointed librarians, and assistants. The library board shall fix the
23 compensation of the library director who shall serve at the pleasure of
24 the board. All actions of the library board are binding on the library
25 director.

26 (3) The governing body of the county, city, or village in which the
27 library is located shall approve any personnel administrative or
28 compensation policy or procedure before implementation of such policy or
29 procedure by the library board.

30 (4) ~~(2)~~ The library board may establish rules and regulations for
31 the government of such library as may be deemed necessary for its

1 preservation and to maintain its usefulness and efficiency. The library
2 board may fix and impose, by general rules, penalties and forfeitures for
3 trespasses upon or injury to the library grounds, rooms, books, or other
4 property, for failure to return any book, or for violation of any bylaw,
5 rule, or regulation and fix and impose reasonable fees, not to exceed the
6 library's actual cost, for nonbasic services. The board shall have and
7 exercise such power as may be necessary to carry out the spirit and
8 intent of sections 51-201 to 51-219 in establishing and maintaining a
9 public library and reading room.

10 (5) ~~(3)~~ The public library shall make its basic services available
11 without charge to all residents of the political subdivision which
12 supplies its tax support.

13 (6) ~~(4)~~ No service shall be denied to any person because of race,
14 sex, religion, age, color, national origin, ancestry, physical handicap,
15 or marital status.

16 Sec. 4. Section 51-213, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 51-213 (1) Except as otherwise provided in subsection (2) of this
19 section, the ~~The~~ library board shall, on or before the second Monday in
20 February in each year, make a report to the city council or village board
21 or to the county or township board of the condition of its trust on the
22 last day of the prior fiscal year. The report shall show all money
23 received and credited or expended; the number of materials held,
24 including books, video and audio materials, software programs, and
25 materials in other formats; the number of periodical subscriptions on
26 record, including newspapers; the number of materials added and the
27 number withdrawn from the collection during the year; the number of
28 materials circulated during the year; and other statistics, information,
29 and suggestions as the library board may deem of general interest or as
30 the city council or village, county, or township board may require. The
31 report shall be verified by affidavit of the proper officers of the

1 library board.

2 (2) The library board of a city of the metropolitan class shall
3 submit the report required under subsection (1) of this section on or
4 before December 15 of each year to the city council.

5 Sec. 5. Original sections 51-202, 51-204, 51-211, and 51-213,
6 Reissue Revised Statutes of Nebraska, are repealed.