County Law Library Income

Below is the latest revision of the *Position Statement on County Law Library Funds* which summarizes and clarifies the statutory provisions in Chapter 134A of *Minnesota Statutes*. Due to the importance of and interest in this issue the State Law Librarian formally reviews this statement periodically, taking into consideration actual problems and concerns that have arisen.

POSITION STATEMENT ON COUNTY LAW LIBRARY FUNDS

Pursuant to Minn. Stat. 134A.16, the State Law Librarian issues the following statement concerning county law library funds and their use. For uses not enumerated below, the library manager or board of trustees may contact the State Law Librarian for an opinion.

1. The law specifies three primary sources of income for county law libraries: filing fees, fee assessment on any criminal offense including petty misdemeanors (Minn. Stat. 134A.09; 134A.10), and county funds (Minn. Stat. 134A.15). Note: A few actions are exempt from law library filing fees (Minn. Stat. 134A.11). Gifts, grants, devises, and bequests are other revenue sources (Minn. Stat. 134A.05). Reasonable fees to defray expenses are proper (such as charging for photocopies).

2. The board of trustees has discretion in setting the amount and type of law library fee. This allows each county to assess their anticipated income and set the amount necessary to cover the cost of maintaining a law library that serves the particular legal information needs of their county. The list of fees and assessments are submitted to the county board of commissioners for approval. All county law library fee changes shall be published in the *State Register* (Minn. Stat. 134A.09; 134A.10).

3. Law library income should not be commingled with general county funds. Law Library fees are allotted for law library use and governed by the law library board of trustees (Minn. Stat. 134A.13). The board of trustees is empowered to use law library funds for the governance, support, and maintenance of the law library in accordance with its bylaws (Minn. Stat. 134A.05, 134A.12). Besides purchasing books and/or electronic resources, any use of the funds that would increase effective use of the library, or enhance resource sharing and/or support the library mission is proper. The board of trustees is empowered to partner with public libraries and other entities to facilitate public use of law library resources. The county holds the title to law library property. (Minn. Stat. 134A.05). Materials purchased with law library funds must be made available for law library patrons to use. Materials purchased with law library funds ought not to be kept in a location that prevents the use by all patrons. See, *Olmsted County Law Library v. Olmsted County*, 55-CV-10-5927 (Minn. Dist. Ct. 2011).

4. The county law library is a public library (Minn. Stat. 134A.02) entitled to county support. The county board is required to provide the law library with suitable quarters within the courthouse and it must provide "light, heat, janitor service and other necessary expenses" of maintaining the library (Minn. Stat. 134A.07) including current infrastructure needs. The Office of the Attorney General has interpreted Minn. Stat. 134A.07 to mean that the county is not authorized to collect rent (Letter to Otter Tail County Attorney, August 2, 1994). The county may provide additional funding to the library. Minn. Stat. 134A.15

5. Trustees serve without compensation (Minn. Stat. 134A.03). The Hennepin and Ramsey boards of trustees must appoint a librarian and staff; other boards may employ a librarian and necessary help. The compensation involved must be approved by the county board of commissioners. The board may contract for services from the Minnesota State Law Library and/or regional library system. (Minn. Stat. 134A.08)

See also the Office of the State Auditor's Statement of Position: County Law Libraries (revised February 2014).

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