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**Statement of Position**
**County Law Libraries**

Counties are authorized to establish law libraries in any place a court meets, upon the filing of an order by a district court judge.[1] The use of a county law library is free to state, county and city officials, to judges, to lawyers, and to county residents.[2]

Once a library is established, the county board must provide "suitable quarters" within the courthouse for the use of the library, and it must provide "light, heat, janitor service and other necessary expenses" to maintain the library. The county retains title to the library and its property. The library is maintained with public funds and managed by a board of trustees in accordance with its bylaws.[3] The State law librarian is required by law to advise and assist in the operation and maintenance of county law libraries.[4]

**Sources of Revenue**

The main sources of revenue for county law libraries are filing fees, fee assessments on criminal convictions and county funds.[5] A law library filing fee is collected from each party to a civil lawsuit when the party first files papers in a civil lawsuit. The fee applies to filings in district and conciliation courts located in that jurisdiction.[6] The amount of the filing fee is recommended by the law library board of trustees and submitted to the county board of commissioners for approval. In addition, a law library fee may also be collected from anyone convicted of a violation of a statute or a municipal ordinance, including a traffic offense. The fees are paid to the county treasurer or auditor, who then disburses these funds and any other money belonging to the law library, only at the direction of the law library board of trustees.[7] All law library fees must be published in the State Register.[8]

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[1] Minn. Stat. § 134A.01. A joint law library may be established, by order, for the benefit of more than one county. *See* Minn. Stat. § 134A.03, subd. 3, and § 134A.14.
[2] Minn. Stat. § 134A.02.
[3] *See* Minn. Stat. § 134A.05 (authorizing board to govern and maintain library). Chapter 134A, Minnesota Statutes, provides the legal framework for the establishment and management of county law libraries.
[4] Minn. Stat. § 134A.16.
[5] Minn. Stat. §§ 134A.09 (Fees; Hennepin and Ramsey Counties); 134A.10 (Fees; other counties); 134A.15 (county funds appropriated for law libraries).
[6] Minn. Stat. §§ 134A.09, subd 3; 134A.10, subd. 4.
[7] Minn. Stat. § 134A.13.
[8] Minn. Stat. §§ 134A.09, subd. 3; 134A.10, subd. 4.

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This Statement of Position is not legal advice and is subject to revision.

An Equal Opportunity Employer

The county board may, at its discretion, provide additional support and maintenance out of county funds.[9]

Finally, a small amount of money is collected by the library to cover the cost of photocopies. [10]

**Disbursement of Law Library Funds**

The law library board of trustees has the authority to make purchasing decisions for the law library. The Office of the State Auditor (OSA) recommends that the board approve, and the minutes reflect, the board's decision regarding all expenditures of a law library's funds.[11]

The OSA is aware that some bylaws permit expenditures under a specified amount by a library employee, such as the law librarian. In those situations, the OSA recommends that the board of trustees implement internal control procedures to ensure the proper disbursement of these public funds. For example, the board of trustees could require that a list of all claims under $200 authorized by the librarian be presented after payment to the board of trustees for approval at the next regularly scheduled meeting.

The board of trustees should receive an annual report from the county containing a detailed statement of the receipts and disbursements of the library for the preceding year. The OSA recommends that at least one member of the board of trustees compare the detailed statement received from the county with authorized claims reflected in the board's meeting minutes.

**Board of Trustees Membership**

A law library board of trustees may have three, five or seven members. A three-member board consists of 1) a person appointed by the chief judge of the judicial district, 2) a member of the county board selected by the county board, and 3) an attorney selected by the county attorney. A five-member board has two additional members: 1) a judge appointed by the chief judge; and 2) an additional attorney selected by the county attorney. For a seven-member board, the two additional members are to be described in the bylaws. The terms of the board members are set in the bylaws. The board of trustees serves without compensation.

A secretary (who may be another board member or the law librarian) and a board president are elected at each annual meeting. Election of the president and the secretary should be reflected in the meeting minutes.

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[9] Minn. Stat. § 134A.15.

[10] Charges for photocopies may not exceed 25 cents per page if 100 pages or fewer of black-and-white paper copies are requested. For other requests, charges may not exceed the actual costs. *See* Minn. Stat. § 13.03, subd. 3). Advisory opinions related to this issue can be found at www.ipad.state.mn.us.

[11] The OSA recommends that all approved claims be in or attached to the meeting minutes. *See* the OSA's Statement of Position on Meeting Minutes.

## County Law Library Bylaws and Regulations

The board of trustees must adopt bylaws and "regulations for the conduct of its business and the government of the library."[12] The bylaws must be filed with the court administrator, along with all other records and all documents related to governance of the law library.[13]

## Board of Trustees Powers

The board of trustees has all the powers it needs to govern and maintain the library. These powers include, but are not limited to, the power:

1) to amend its bylaws and regulations;
2) to accept gifts, grants, devises, bequests or loans of books or property, and to carry out any attached conditions;
3) to purchase or lease books or library facilities using money from the county law library fund; and
4) to sell or exchange the library's property.[14]

The board of trustees may set rules regarding the use of the law library.[15]

## Board of Trustees Meeting Minutes

Minnesota law requires all public authorities and political entities to "make and preserve all records necessary to a full and accurate knowledge of their official activities."[16] In addition, the board of trustees is required to file minutes of its meetings with the court administrator.[17]

## Inventory of Law Library Property

Items purchased with law library funds belong to the county establishing the law library. The law requires the board of trustees to file an inventory of law library property with the county auditor, showing the property belonging, loaned or leased to the law library.[18] The statute gives no guidance as to how often an inventory should be conducted. It seems reasonable, however, that larger libraries with a large amount of property would conduct an inventory more frequently than smaller libraries.

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[12] Minn. Stat. § 134A.05.
[13] *Id.*
[14] *Id.*
[15] Minn. Stat. § 134A.02.
[16] *See* Minn. Stat. § 15.17.
[17] Minn. Stat. § 134A.05.
[18] Minn. Stat. § 134A.06.

**Additional Resources for the Board of Trustees**

The board of trustees may decide to work with the Minnesota State Law Library's County Law Library Program ("CLLP") to address issues facing law libraries. Among other services, CLLP provides consultation services, training, and a for-members-only on-line manual for Minnesota county law libraries.[19]

[19] Use of the online manual requires a password.