

KENTUCKY LIBRARY COMMISSION,
FRANKFORT, KENTUCKY

IOWA LIBRARY
COMMISSION
LEAFLET NO. 1

LIBRARY LAWS OF IOWA

As Provided in the Code of 1924
and Acts of the 41st G. A.

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THE STATE OF IOWA
Des Moines

IOWA LIBRARY COMMISSION

PURPOSE: *To advance the library interests of the State of Iowa.*

OFFICE: STATE HISTORICAL BUILDING, Des Moines.

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The Iowa Library Commission was created by an act of the Twenty-eighth General Assembly of the State of Iowa, March 20, 1900, and this law was amended very materially by the Twenty-ninth General Assembly, in the transfer of the Free Traveling Library of Iowa to the Commission.

The purpose for which the Iowa Library Commission was created is to promote the establishment and efficiency of public libraries in Iowa, and to encourage the circulation and reading of good books.

'Can it serve your community in any of these respects, by co-operating with any local movement in these directions?'

HOW TO START A FREE LIBRARY

Iowa has a good library law under which more than 140 free public libraries have been established, most of these previous to the edition of the Code of 1924 in which the election clause was removed. There are now few towns in the state large enough to adequately support a library on the present maximum which do not have a tax supported library. The levy of a tax in the smaller places is not recommended. It would be much better for such communities to turn their efforts to securing a county library of which they may become a branch. In the meantime an association library might be organized which would give a collection of books as a nucleus for a permanent collection under a county library and create a library spirit. A separate leaflet gives information in regard to the formation of a library association, etc.

Provisions for establishing, maintaining and governing a public library are given in sections 5849 to 5866 Code of Iowa, 1924, as amended by the 41st G. A. with related laws from the city side in other sections.

According to the present law neither election nor petition is necessary but a petition will in a tangible way show the city council that a large number of citizens really want a free public library. Residents, both men and women, whether taxpayers or not, should sign this as a means of expressing approval of the project.

The following form is suggested in preparing such petition for circulation:

*To the Honorable Mayor and City Council of
the town of....., Iowa: -*

The undersigned citizens of the town of , Iowa, most respectfully request your honorable body to levy a tax for the support of a free public library for the town of.....and appoint a board of trustees as designated by law.

By a little effort a long list of signatures may be secured, and the presentation of the petition to the council will bring the matter definitely to their attention. Some one of the councilmen should be interested and be ready to introduce a resolution fixing the levy and authorizing the appointment of a library board.

The board should be composed of high-minded, intelligent men and women, who have the good of the community at heart and are above petty intrigues. While a period of time will elapse before the tax levy is available, the board should organize immediately after appointment to plan the work and select a librarian.

The success of the library as an institution will depend largely upon the character and attainments of the librarian who comes in daily contact with the patrons. If possible a librarian of training or experience should be secured. A young woman of good education and pleasing manners and address can usually be found in every community whose tastes would lead her to undertake this work, and a six weeks' course in the Iowa Summer Library School at the State University would aid in fitting her to do it efficiently. The Secretary of the Library Commission should be called on in regard to questions of organization and for help in inaugurating the work. If the work is properly done at the beginning, it will not

have to be done over again when the library is larger and the question of modern organization becomes a larger task.

PUBLIC LIBRARY LAWS

SEC. 5849. *Formation—maintenance.* Cities and towns may provide for the formation and maintenance of free public libraries open to the use of all inhabitants under proper regulations, and may purchase, erect, or rent buildings or rooms suitable for this purpose and provide for the compensation of necessary employees.

SEC. 5850. *Donations.* They may receive, hold, and dispose of all gifts, donations, devises, and bequests that may be made to them for the purpose of establishing, increasing, or improving any library; and when the conditions thereof have been accepted by the city, their performance may be enforced by the library board by an action of mandamus against the council or by other proper action. The council may apply the profits accruing therefrom to best promote the prosperity and utility of the library.

SEC. 5851. *Library trustees.* In any city or town in which a free library has been established, there shall be a board of library trustees, consisting of five, seven, or nine members, to be appointed by the mayor, by and with the approval of the city council, which shall also establish by ordinance the number to be appointed.

SEC. 5852. *Term of office.* Of said trustees so appointed on boards to consist of nine members, three shall hold office for two

years, three for four years, and three for six years; on boards to consist of seven members, two shall hold office for two years, two for four years, and three for six years; and on boards to consist of five members, one shall hold office for two years, two for four years and two for six years, from the first day of July following their appointment in each case, and at their first meeting they shall cast lots for their respective terms, reporting the result of such lots to the council. All subsequent appointments, whatever the size of the board, shall be for terms of six years each, except to fill vacancies.

SEC. 5853. *Qualifications.* Bona fide citizens and residents of the city or town, male or female, over the age of twenty-one years, are alone eligible to membership.

SEC. 5854. *Vacancies.* Vacancies in the board shall be filled by appointment by the mayor, by and with approval of the city council, such appointees to fill out the unexpired term for which the appointment is made.

SEC. 5855. *"Vacancy" defined.* The removal of any trustee permanently from the city, or his absence from six consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without explanation of absence, shall render his office as trustee vacant.

SEC. 5856. *Compensation.* Members of said board shall receive no compensation for their services.

SEC. 5857. *Joint libraries.* In cities and incorporated towns where a college or university is located, it shall be lawful for the city or town and such institution of learning

to jointly establish and maintain a public library for their mutual benefit upon such terms and conditions as regards maintenance, control, appointment of library trustees, and other incidents of joint control as may in any lawful manner be mutually agreed upon between them; but no city or town may undertake to contribute toward the maintenance more than the amount produced by a rate of taxation therefor allowed by law, and no person shall be appointed or confirmed as library trustee other than such having the qualifications required by law.

SEC. 5858. *Powers.* Said board of library trustees shall have and exercise the following powers:

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

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

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

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

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

6. To authorize the use of such libraries by nonresidents of such cities and towns and to fix charges therefor.

7. To make and adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such library and the business of said board, fixing and enforcing penalties for the violation thereof.

8. To have exclusive control of the expenditures of all taxes levied for library purposes as provided by law, and of the expenditure of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library fund.

Said board shall keep a record of its proceedings.

SEC. 5859. *Power to contract.* Contracts may be made between the board of trustees of any free public library and any city, town, school corporation, township, or county for its use by their respective residents. Townships and counties may enter into such contracts, but may only contract for the residents outside of cities and towns. Such contract by a county shall supercede all contracts between the library trustees and townships or school corporations outside of cities and towns.

SEC. 5860. *Method of use.* Such use shall be accomplished by one or more of the following methods in whole or in part:

1. By lending the books of such library to such residents on the same terms and conditions as to residents of the city or town in which the library is situated.

2. By the establishment of depositories of books of such library to be loaned to such residents at stated times and places.

3. By transportation of books of such library by wagon or other conveyance for lending the same to such residents at stated times and places.

4. By the establishment of branch libraries for lending books to such residents.

SEC. 5861. *Rate of tax.* Such contracts shall provide for the rate of tax to be levied during the period thereof, and shall remain in force until terminated by a majority vote of the electors of such school corporation, civil township, county, city, or town voting on the proposition at such election.

SEC. 5862. *Township tax.* The board of trustees of any township which has entered into such a contract shall at the April meeting levy a tax not exceeding one mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract.

SEC. 5863. *County tax.* The board of supervisors, after it makes such contract shall levy annually on the taxable property of the county outside of cities and towns, a tax of not more than one mill to create a fund to fulfill its obligation under the contract.

SEC. 5864. *Uniting with historical associations.* Whenever a local county historical association shall be formed in any county having a free public library, the trustees of such library are hereby authorized to unite with such historical association and to set apart the necessary room and to care for such articles as may come into the possession of said association; said trustees are also authorized to purchase necessary receptacles and materials for the preserva-

tion and protection of such articles as are in their judgment of historical and educational nature and pay for the same out of the library fund.

SEC. 5865. *Fund—treasurer.* All moneys received and set apart for the maintenance of such library shall be deposited in the treasury of such city or town to the credit of the library fund, and shall be kept by the treasurer separate and apart from all other moneys, and paid out upon the orders of the board of trustees signed by its president and secretary.

Provided that in any city or incorporated town where a free public library is maintained jointly by the city or town and an institution of learning, for the support and maintenance of which both the city and the institution of learning contribute, the library trustees may elect a library treasurer therefor, and it shall be the duty of the city treasurer to pay over to said library treasurer any and all library taxes that may be collected by him monthly.

SEC. 5866. *Report.* The board of trustees shall, immediately after the close of each municipal fiscal year, make to the council a report containing a statement of the condition of the library, the number of books added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as it may deem important. (41st G. A. Chap. 128 Sec. 7) (See Sec. 5676-a1 under Related Laws).

RELATED LAWS

SEC. 4391. *Contract for use of library.* The board of directors of any school corporation in which there is no free public library may contract with any free public library for the free use of such library by the residents of such school district, and pay such library the amount agreed therefor as provided by law. During the existence of such contract, the board shall certify annually a tax sufficient to pay such library the consideration agreed upon, not exceeding one mill on the dollar of the taxable property of such district. During the existence of such contract, the school corporation shall be relieved from the requirement that the school treasurer withhold funds for library purposes. This section shall not apply in townships where a contract for other library facilities is in existence.

SEC. 5559. *Gifts and donations.* Civil townships are hereby authorized and empowered to receive by gift, devise, or bequest money or property for the purpose of establishing and maintaining libraries, township halls, cemeteries, or for any other public purpose. All such gifts, devises, or bequests shall be effectual only when accepted by resolution of the board of trustees of such township.

SEC. 5676-a1. *Fiscal year.* The fiscal year for all cities and towns, and for all departments, boards, and commissions thereof shall begin on the first day of April each year and end on March thirty-first (31st) following. This section shall apply to cities acting under special charters.

SEC. 5676-a2. *Accounting officers—reports.* All accounting officers of all boards, com-

mission, departments, and offices within the municipality receiving or disbursing public funds shall file with the auditor or clerk within thirty (30) days from the expiration of the municipal fiscal year, a detailed report in writing showing the receipts and disbursements of all funds in the department, board, or commission in question for said fiscal year.

SEC. 6197. *Libraries.* In any city or town in which a free library has been established, the board of library trustees may condemn real estate in the name of the city or town for the location of library buildings and branch libraries, and for the purpose of enlarging the grounds thereof.

SEC. 6211. *Library fund.* Any city or town shall have power to levy annually the following special taxes: * * *

19. When a free public library has been established, not exceeding five mills, which shall be used only for its maintenance. The date of levy for this and the fund created by the following subsection shall be determined and certified to the council by the board of library trustees before the first day of August in each year. The council shall make such levies accordingly.

20. *Library building fund.* When the establishment of a public library has been authorized, not exceeding three mills, which shall be used only to purchase real estate and to erect thereon a building or buildings for a public library or to pay the interest on any indebtedness incurred for that purpose and to create a sinking fund for the extinguishment of such indebtedness. When a library building has been fully completed and paid for, no further levy shall be made for that purpose. Any balance remaining

in the building fund may be transferred to the maintenance fund.

21. *Library contract fund.* When a public library has not been established, not exceeding one mill, which shall be used only to secure for the inhabitants of the city or town the free use of a public library. When a majority of the resident tax payers petition the council in writing to secure such privilege, the council shall offer to contract therefor with the designated library.

SEC. 6239. *Purposes.* Cities and towns when authorized to acquire the following named public utilities and other improvements may incur indebtedness for the purpose: * * *

6. Of erecting a building or buildings for a public library.

SEC. 6241. *Election required.* No such indebtedness shall be incurred until authorized by an election.

SEC. 6572. *Library trustees.* (Commission governed cities) The board of library trustees in all cities organized under the commission form of government shall consist of five members (except in cities which have heretofore maintained a library under lease or contract fixing a different number of trustees) and said board shall have and exercise all the powers possessed by library boards in cities not organized and acting under this chapter.

SEC. 6573. *How selected—terms.* (Commission governed cities) The said board of five trustees shall be selected as follows: At the first meeting of the council, or as soon as practicable thereafter, the mayor shall appoint, by and with the approval of the council, five library trustees, one to serve for the period of five years, one for four years, one for three years, one for two

years, and one for one year, and until their successors are elected and qualify. Upon the election of said five trustees the term of the existing board of nine trustees heretofore acting under the general law shall cease. Annually thereafter there shall be elected in like manner one trustee to serve for five years and to take the place of the trustee whose term first expires.

SEC. 6651. *Appointments by council.* The council shall, at the first meeting after its members are elected, appoint * * * the members of the library board, as the terms of office of the members of said board shall expire.

SEC. 6764. *Public Libraries.* (Special charter cities) The law relative to public libraries in cities organized under the general law shall apply to special charter cities.

SEC. 6856. *Special levies.* They (the council) shall have power to levy annually the following taxes for special purposes:
* * *

6. *Library tax.* In cities which have established, or may establish, a free public library, a tax as provided in section 6211, subsections 19 and 20.

SEC. 13095. *Injury to public library books or property.* Any person who shall wilfully, maliciously, or wantonly tear, deface, mutilate, injure, or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room shall be deemed guilty of misdemeanor and shall be fined not more than one hundred dollars, or imprisoned not more than thirty days.

COUNTY LIBRARIES

The county library laws are found under Sections 5859 and 5863 of the Public Library Laws and under Sections 4391 and 6211 (21) of Related Laws. These laws should be revised but are workable in the present condition. For further information regarding a county library campaign and management a letter should be addressed to the Secretary of the Iowa Library Commission.

COMMON SCHOOL LIBRARIES

SEC 4322. *Library fund.* The treasurer of each school township and of each rural independent district in this state shall withhold annually, from the money received from the apportionment for the several school districts, not less than five nor more than fifteen cents as may be ordered by the board for each person of school age residing in such school corporation, as shown by the annual report of the secretary, for the purchase of books as hereinafter provided.

SEC. 4323. *Purchase of books—distribution.* Between the third Monday of September and the first day of December in each year, the president and secretary of the board, with the assistance of the county superintendent, shall expend all money withheld by the treasurer as provided in the preceding section, in the purchase of books for the use of the school district. In school townships the secretary shall distribute the books thus selected to the librarians among the several subdistricts.

SEC. 4324. *Lists of books.* The state

board of educational examiners shall prepare at its discretion lists of books suitable for use in school district libraries, and furnish copies of such lists to each county superintendent, and to the president and secretary of each school corporation, as often as the same shall be published or revised.

SEC. 4325. *Record of books.* It shall be the duty of each secretary to keep in a record book, furnished by the board of directors, a complete record of the books purchased and distributed by him.

SEC. 4326. *Librarian.* Unless the board of directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian and shall receive and have the care and custody of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the state board of educational examiners and board of directors. Each librarian shall keep a complete record of the books in a record book furnished by the board of directors.

SEC. 4327. *Custody of the library.* During the periods that school is in session the library shall be placed in the school house, and the teacher shall be responsible to the district for its proper care and protection.

SEC. 4328. *Board to supervise.* The board of directors shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation.

BY-LAWS SUGGESTED FOR BOARDS OF LIBRARY TRUSTEES

ARTICLE I. NAME.

The name of this library shall be the Free Public Library of.....

ARTICLE II. OFFICERS.

The officers of the board shall be a president, vice president, secretary¹ and treasurer, who shall be elected annually. The president shall perform the duties generally pertaining to that office. The vice-president shall, in the absence or disability of the president, perform all the duties of the president. The secretary shall record all proceedings of the board and have custody of all its official books, records and accounts, and shall perform such other duties as the board may require. The treasurer shall receive and have charge of all funds belonging to the library other than the city tax, and pay out same only on warrant signed by the president and secretary. He shall report at each regular meeting of the board the condition of the treasury.

No officer except the secretary shall hold the same office for more than two consecutive years.

(¹May be the librarian.)

ARTICLE III. COMMITTEES.

At the annual meeting of the board, the president shall appoint three standing committees of three members each, viz.: Book committee, finance committee and committee on buildings and grounds.

The book committee shall, in connection with the librarian, supervise the selection, buying, exchange and binding of books and

periodicals, and have general supervision of the administration of the library and reading room.

The finance committee shall have charge of all library finances, shall see that the city council is duly informed as to the amount of tax levy certified to the council for the succeeding year, shall certify to the correctness of all bills and pay rolls presented to the board, and shall make an annual investigation of and report upon the library fund in the hands of the city treasurer and treasurer of the board.

The committee on buildings and grounds shall have supervision over all matters pertaining to the general care of the buildings and grounds. They shall look after all matters pertaining to heating, light, furniture and arrangement of the rooms and janitor service.

ARTICLE IV. MEETINGS.

The regular meetings of the board shall be held on the Monday of each month, at.....P. M., at the library.

Special meetings shall be called by the president whenever, in his judgment, they may be necessary, or at the request of any two trustees, for the transaction only of business stated in the call.

The annual meetings shall be held on the second Monday of.....in each year.

ARTICLE V. QUORUM.

Five members of the board shall constitute a quorum for the transaction of business.

ARTICLE VI. EXPENDITURES.

All claims against the board must be presented at a meeting of the board and referred to the finance committee for investigation and approval, with the exception of

the monthly salaries of employes, already fixed by the board, which may be paid by orders drawn in the usual manner.

The president and secretary shall draw orders upon the city treasurer or treasurer of the board for payment of bills approved by the board.

• No committee shall authorize an expense of more than \$25.00 in any one month without having secured the sanction of the board in advance.

ARTICLE VII. LIBRARIAN.

The librarian shall have charge of the library and reading room and be responsible for the care and preservation of the books and other library property. He shall be responsible for the courtesy and efficiency of the library service; the accessioning, classifying, cataloging and shelving of the books; the enforcement of the rules, the accuracy of the records, the exact amount of moneys received by him from fines and other sources, and the cleanliness and attractive condition of the rooms.

He shall co-operate with the book committee in recommending books for purchase.

He shall make a monthly report of the operations of the library, including additions, circulation, number of borrowers, visitors, etc., and shall make such recommendations as shall promote the efficiency of the library.

He shall prepare an annual report showing as fully as possible the progress of the library during the preceding year, including an inventory of the books, etc., and shall attend the meetings of the board and assist the secretary in keeping the minutes and accounts.

He shall discharge such other duties as

may be prescribed by the board, provided that in the performance of his duties he shall not incur debt or liability of any kind without authority from the board.

ARTICLE VIII. AMENDMENTS.

Amendments hereto shall only be made at a regular meeting of the board, and must be proposed at least one month previous to final action on same.

ARTICLE IX. ORDER OF BUSINESS.

Order of business at the meetings of the board shall be as follows:

1. Roll call.
2. Reading of the minutes.
3. Communication and petitions.
4. Report of librarian.
5. Report of book committee.
6. Report of building committee.
7. Report of finance committee.
8. Bills and pay roll.
9. Report of special committees.
10. Unfinished business.
11. New business.
12. Election of officers.

STATE LIBRARY OF IOWA



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