

The Public Libraries Act, 1984

Repealed

by [Chapter P-39.2 of the *Statutes of Saskatchewan, 1996*](#)
(effective December 31, 1996).

Formerly

[Chapter P-39.1 of the *Statutes of Saskatchewan, 1983-84*](#) as
amended by the [Statutes of Saskatchewan, 1984-85-86, c.16](#);
[1988-89, c.17 and 42](#); [1989-90, c.52](#); and [1990-91, c.P-15.01](#).

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-39.1

An Act to provide for the establishment and Maintenance of Public Libraries

PART I

Short Title and Interpretation

Short title

- 1 This Act may be cited as *The Public Libraries Act, 1984*.

Interpretation

- 2 In this Act:

- (a) **“community library”** means a public library:
 - (i) to which Part IV applies; and
 - (ii) that is in any municipality or in any unincorporated area of Saskatchewan where no other public library is established;
- (b) **“council”** means the council of a municipality;
- (b.1) **“department”** means the department over which the minister presides;
- (c) **“elector”** means a person who is entitled to vote at an election of councillors in his municipality;
- (d) **“library”** means a collection of books, periodicals, newspapers, film, recordings and other articles and objects of informational, educational, artistic, cultural or recreational value for circulation or reference and includes branch libraries, mobile units and reading rooms established or used in connection with a library;
- (e) **“local library board”** means the library board of a branch of a regional library located in a municipality which has participated in the establishment and operation or the operation of a regional library;
- (f) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (g) **“municipal library”** means a public library:
 - (i) to which Part III applies; and
 - (ii) that is the public library of one municipality;
- (h) **“municipality”** means a city, town, village, rural municipality or northern municipality;
- (h.1) **“provincial library”** means a branch of the department established pursuant to section 3;

- (i) **“public library”** means a municipal library, community library, regional library or a branch of the provincial library, the primary responsibility of which is the provision of library service to the public;
- (j) **“regional library”** means a public library providing library service to municipalities participating in the establishment and operation or the operation of the library in a region of Saskatchewan and includes the headquarters, branch libraries and mobile units of that library;
- (k) **Repealed.** 1988-89, c.42, s.83.
- (l) **“Saskatchewan Library Board”** means the Saskatchewan Library Board appointed pursuant to section 9.

1983-84 cP-39.1 s2; 1988-89 c42 s83.

PART II

Saskatchewan Library

SASKATCHEWAN LIBRARY CONTINUED

Saskatchewan Library continued

- 3(1) The branch of the department known as the provincial library is continued.
- (2) **Repealed.** 1988-89, c.42, s.83.
- (3) **Repealed.** 1988-89, c.42, s.83.
- (4) The minister shall direct the provincial library to take those measures that he considers advisable to encourage the co-ordination of libraries and the development of public libraries in Saskatchewan, including:
 - (a) acting as the central library for Saskatchewan;
 - (b) acting as a co-ordinating agency for public libraries within Saskatchewan;
 - (c) co-ordinating and facilitating inter-library co-operation between any library and the public libraries of Saskatchewan;
 - (d) co-ordinating and facilitating inter-library co-operation with the library agency of the Government of Canada and the library agencies of governments of other provinces;
 - (e) providing advisory services to public libraries;
 - (f) providing advisory services to assist any library in participating in co-operative library ventures;
 - (g) conducting research and surveys relating to, instituting inquiries into and collecting, sorting and systematizing information and statistics relating to library services;
 - (h) providing resource collections of library materials not available in other libraries in Saskatchewan;
 - (i) providing bibliographic services;

- (j) **Repealed.** 1989-90, c.52, s.3.
 - (k) co-operating with any cultural or educational organization, institution, individual, library board, municipality or department or agent of the Government of Saskatchewan in matters relating to the development, organization and operation of library services;
 - (l) performing those other functions that the minister may determine.
- (5) **Repealed.** 1988-89, c.42, s.83.

1983-84 cP-39.1 s3; 1988-89 c42 s83; 1989-90
c52 s3.

LIBRARY MATERIAL

Library material

- 4 The minister may, on behalf of the provincial library:
- (a) acquire, by purchase, lease or otherwise, library material, including books and library equipment, that the minister considers necessary or requisite for its use; and
 - (b) dispose, by sale or otherwise, of library material including books or library equipment in the collection of the provincial library that it no longer requires for its use.

1983-84 cP-39.1 s4; 1988-89 c42 s83.

STAFF AND ADVISORS

Provincial Librarian and other staff

- 5(1) The Lieutenant Governor in Council may appoint a Provincial Librarian.
- (2) The Provincial Librarian shall:
- (a) under the direction of the minister, be responsible for the administration of this Act;
 - (b) keep and maintain a record of all libraries to which this Act applies; and
 - (c) perform those other duties that the Lieutenant Governor in Council may assign to him.
- (3) Other librarians, supervisors, assistants, clerks, officers and employees that the minister considers necessary for the proper administration of this Act are required to be appointed in accordance with *The Public Service Act*.

1983-84 cP-39.1 s5.

- 6 to 8 **Repealed.** 1988-89, c.42, s.83.

SASKATCHEWAN LIBRARY BOARD

Saskatchewan Library Board

9(1) The Lieutenant Governor in Council may appoint, in accordance with subsection (2), a board to be known as the Saskatchewan Library Board, consisting of not less than 12 and not more than 15 members and shall designate one of the members of the board as chairman.

(2) The members of the board appointed pursuant to subsection (1) are required to include:

- (a) one member from each of the regional library boards;
- (b) one member from the municipal library board of the City of Regina;
- (c) one member from the municipal library board of the City of Saskatoon;
- (d) one member nominated by the Saskatchewan Urban Municipalities Association;
- (e) one member nominated by the Saskatchewan Association of Rural Municipalities; and
- (f) any additional members recommended by the minister.

(3) A member of the board appointed pursuant to subsection (1) holds office for a term of three years and until his successor is appointed, and, subject to subsections (4) and (5), is eligible for reappointment.

(4) Where a board member qualifies as a board member pursuant to clause (2)(a), (b) or (c), he is eligible for reappointment only if he is still a member of the library board with respect to which he was originally appointed as a board member.

(5) Where a member of the board is absent or resigns or is otherwise unable to act, the Lieutenant Governor in Council may appoint, in accordance with subsection (2), another person to fill the vacancy:

- (a) for the unexpired portion of the member's term; or
- (b) where the member's absence or inability to act is temporary, until the member returns.

(6) A vacancy on the board does not impair the ability of the remaining members to act.

(7) A majority of the members of the board constitutes a quorum.

(8) The Provincial Librarian shall be the secretary of the board and any committee of the board but is not entitled to vote at meetings of the board or any of its committee.

(9) The board:

- (a) may prescribe rules governing the procedure for its meetings and conducting its business;

- (b) shall keep records of its meetings and its business; and
- (c) shall, when requested to do so by the minister, provide him with any information that he may require concerning its activities and business.

1983-84 cP-39.1 s9.

Powers and duties of board

10 In addition to any duties and powers prescribed in the regulations, the Saskatchewan Library Board may:

- (a) make recommendations to the minister with respect to the co-ordination of library services in Saskatchewan;
- (b) make recommendations to regional and municipal library boards with respect to co-operative activities between libraries;
- (c) assist the Provincial Librarian in the development and co-ordination of planning designed to improve Saskatchewan-wide library services;
- (d) assist in the resolution of disputes arising out of the interpretation or performance of agreements entered into pursuant to section 48 or 51 in the manner prescribed by the regulations;
- (e) advise the minister on matters relating to library services considered necessary for remote areas of Saskatchewan.

1983-84 cP-39.1 s10.

PART III
Municipal Libraries
INTERPRETATION AND APPLICATION

Interpretation

11 In this Part, “**board**” means a municipal library board.

1983-84 cP-39.1 s11.

Application

12 This Part applies to every municipal library that is:

- (a) maintained in whole or in part by municipal taxation; and
- (b) established pursuant to this Part or pursuant to any former Act respecting public libraries.

1983-84 cP-39.1 s12.

ESTABLISHMENT OF MUNICIPAL LIBRARY

Establishment of municipal library

13 A municipal library may be established in a municipality under the conditions and in the manner provided for in this Part.

1983-84 cP-39.1 s13.

Powers of council and electors

14(1) A council may on its own initiative by bylaw establish a municipal library.

(2) On receipt of a petition requesting the establishment of a municipal library and signed by at least 10% of the electors, the council shall prepare and submit to the electors a proposed bylaw providing for the establishment of a municipal library in the same manner and in accordance with the same proceedings as are required in the case of any other bylaw that requires the assent of the electors.

(3) Where a council has prepared a proposed bylaw pursuant to subsection (2), it shall immediately send a certified copy of the proposed bylaw to the Provincial Librarian.

(4) Where a proposed bylaw submitted to the electors pursuant to this section receives the assent of a majority of the electors voting on it whose ballots are not rejected, the council shall immediately pass the bylaw whether that council is or is not the council that submitted the proposed bylaw to the electors.

(5) Where the vote of the electors is adverse to the proposed bylaw, no new proposed bylaw for the same purpose shall be submitted to the electors within the same year.

1983-84 cP-39.1 s14.

BOARD

Library board

15(1) The general management, regulation and control of a municipal library shall be vested in a board to be known as “The _____
Public Library Board”. *(name of municipality)*

(2) The board is a body corporate.

(3) The board is required to consist of either seven or nine members and to be composed of:

(a) the mayor, overseer or reeve, who is an *ex officio* member of the board during his term of office; and

(b) six or eight members, as the case may be, appointed by the council from among the residents of the municipality.

- (4) Of the first appointed members:
- (a) one half 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;
- and thereafter every member appointed holds office for two years.
- (5) Not more than one member of the council at a time, in addition to the mayor, overseer or reeve, is to be a member of the board.
- (6) Notwithstanding any other provision of this Act, every member of the board continues in office until his successor is appointed.
- (7) A member of the board who is absent from three successive regular meetings of the board without sufficient cause, as determined by the board, ceases to be a member and the council, on being so advised, shall appoint another member in his stead.
- (8) The council shall:
- (a) appoint the members of the board at 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, and the person so appointed holds office during the unexpired portion of the term of the member in whose stead he is appointed.
- (9) Notwithstanding subsections (1) to (8), the council of a municipality may appoint the members of the board immediately after the establishment of a municipal library.
- (10) No employee of the board shall serve as a member of the board.

1983-84 cP-39.1 s15.

Chairman of board

- 16(1)** The board shall elect one of its members as chairman.
- (2) The chairman:
- (a) holds office for one year; and
 - (b) shall preside at meetings of the board.
- (3) In the absence of the chairman, the board shall elect one of its members to act as chairman.
- (4) The chairman of the board has the right to vote at meetings of the board but he does not have an additional or casting vote.

1983-84 cP-39.1 s16.

Secretary to board

17 The chief librarian appointed pursuant to section 23 shall be secretary to the board and to all committees of the board but he has no right to vote at meetings of the board.

1983-84 cP-39.1 s17.

Meetings

18 The board shall meet at least once every three months and at those other times that it considers necessary.

1983-84 cP-39.1 s18.

Special meetings

19 The chairman or any two members of the board may at any time summon a special meeting of the board for any purpose by giving notice:

- (a) in writing or by other means; and
- (b) in the manner fixed for special meetings by resolution at a full meeting of the board.

1983-84 cP-39.1 s19.

Quorum

20 The board shall not transact any business at any general or special meeting of the board unless at least four members are present.

1983-84 cP-39.1 s20.

Duties and powers of board

21(1) Subject to subsection (2), the board may:

- (a) acquire, erect, rent or lease and maintain the necessary lands and buildings for the purposes of the municipal library;
- (b) sell, exchange, lease or otherwise dispose of any of its lands or buildings not required for library purposes;
- (c) acquire, circulate and maintain books, periodicals, newspapers, recordings, films and other articles of informational, educational, cultural, recreational or artistic value that it considers necessary for the provision of library services;
- (d) take steps to promote the use of library materials;
- (e) acquire and maintain all necessary equipment that may be required for the municipal library; and
- (f) establish and maintain a capital fund to be used for the acquisition or leasing of buildings and equipment or for basic library materials.

(2) Unless the council that appointed a board consents, the board shall not incur an expenditure or debt in excess of its annual estimate.

1983-84 cP-39.1 s21.

Policy statement

- 22(1)** The board shall prepare a policy statement outlining:
- (a) the responsibilities of the board and of the chief librarian;
 - (b) the aims and objectives of the municipal library; and
 - (c) any other items that it considers necessary for the proper operation of a municipal library.
- (2) The policy statement mentioned in subsection (1) is to govern the operations of the municipal library.
- (3) The board may amend or alter the policy statement mentioned in subsection (1).

1983-84 cP-39.1 s22.

Staff

- 23(1)** The board shall appoint a chief librarian and, on the recommendation of the chief librarian, may appoint any other librarians, officers, assistants, clerks and employees that are required for the efficient operation of the municipal library.
- (2) Subject to the approval of the minister, a board may:
- (a) join an existing fund or establish a fund providing pensions, disability or other insurance or health benefits for the employees of the board with contributions from the employees; and
 - (b) make the payments necessary for the establishment and maintenance of any fund mentioned in clause (a).

1983-84 cP-39.1 s23.

Agreements for library service

- 24(1)** The board may enter into agreements with the boards of other public libraries and with institutions, municipalities, organizations, associations and individuals to provide library services.
- (2) Except with the prior approval of the minister, a board or council shall not enter into agreements to provide library services with municipalities that are within the boundaries of regional libraries.

1983-84 cP-39.1 s24.

Regina and Saskatoon libraries

- 25** The municipal libraries 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 one municipality or in regional libraries;
 - (b) co-operate with the provincial Library in developing province-wide services through inter-library 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 the purpose of co-operative services, training staff, conducting surveys, operating special projects, acquiring special collections or for any other purpose that the board considers necessary to develop library services.

1983-84 cP-39.1 s25; 1988-89 c42 s83.

Accounts and audit of board

26(1) Every board shall keep distinct and regular accounts of its receipts, payments, assets and liabilities.

(2) The auditors of the municipality shall audit the accounts mentioned in subsection (1) in a same manner and at the same time as other accounts of the municipality, and, immediately after audit, the accounts are to be laid before the council by the board.

1983-84 cP-39.1 s26.

Annual report

27(1) The board shall:

- (a) subject to subsection (2), prepare an annual report of its operations; and
- (b) forward a copy of the annual report to the minister.

(2) The annual report mentioned in subsection (1) is required to include those financial statements prescribed in the regulations.

1983-84 cP-39.1 s27.

ASSESSMENT AND TAXATION

Annual estimate

28 Every board shall:

(a) on or before March 1 in each year make or cause to be made an estimate of the sums required during that year for:

- (i) the amount of principal and interest required for the annual payment of any outstanding debenture; and
- (ii) the expense in detail of maintaining and managing the municipal library under its control and for making the purchases required for the municipal library; and

(b) transmit the estimate immediately after it is made to the clerk or administrator of the municipality concerned for the consideration of the council.

1983-84 cP-39.1 s28.

Library rate

29(1) Every board shall, on or before March 15 in each year, or at any other time that may be required by the council concerned, apply to the council for:

(a) that sum of money that is estimated to be required for the maintenance of the municipal library during that year, exclusive of all fees and other revenues estimated to be collected or due to the municipal library; and

(b) any additional sum that is considered expedient for permanent improvements of that year.

(2) On receipt of the estimate made pursuant to subsection (1), the council shall make provision for obtaining the moneys required or any part of those moneys that may be approved by the council by the imposition of a tax to be known as the library rate.

(3) The council may include in the library rate an amount sufficient to cover interest, sinking fund requirements, if any, and instalments with respect to debentures issued for library purposes.

1983-84 cP-39.1 s29.

Method of assessment

30(1) The library rate mentioned in section 29 is required to be assessed on the same property throughout the municipality that the general taxes for municipal purposes are assessed, and the rate is to be levied and collected at the same time, by the same persons and in the same manner as general taxes for municipal purposes are levied and collected and as though the rate formed part of the general taxes.

(2) All provisions of the law from time to time in force in the municipality relating to assessment and collection of taxes apply in every particular to the library rate.

(3) Notwithstanding section 29, where the sum required by a 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 rate.

1983-84 cP-39.1 s30.

Receipt and application of amounts levied

31(1) The treasurer of the municipality shall:

(a) receive all moneys raised pursuant to section 30 in the same manner as municipal funds; and

(b) subject to subsection (2), pay out those moneys to the board on the direction of the board.

(2) The treasurer shall apply those moneys raised pursuant to section 30 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.

1983-84 cP-39.1 s31.

LOANS FOR PERMANENT IMPROVEMENTS

Application to council for greater sum

32(1) Notwithstanding the provisions of section 29, a board may apply to the council concerned for a sum of money exceeding the amount of its estimate mentioned in that section for the purposes of:

- (a) acquiring a library building site;
 - (b) erecting, repairing, furnishing and equipping a library building; or
 - (c) doing both of the things mentioned in clauses (a) and (b).
- (2) On receipt of an application pursuant to subsection (1), the council concerned may take the necessary steps to obtain and provide the sum or any portion of that sum applied for by the board that the council considers reasonable and necessary.

1983-84 cP-39.1 s32.

Bylaw

33(1) The sum mentioned in section 32 may be borrowed by the council pursuant to the authority of a bylaw and on the security of debentures in the manner provided in this section and in sections 34 to 36.

(2) The council shall take those steps that are necessary to have the proposed bylaw submitted to the persons entitled to vote on money bylaws of the municipality.

(3) Every bylaw mentioned in subsection (3) shall, before its final passage, be submitted to the persons entitled to vote on money bylaws in the municipality and receive the assent of a majority of those persons voting on it whose ballots are not rejected.

1983-84 cP-39.1 s33.

Borrowing procedure

34 The sum mentioned in section 32 may be borrowed by the council in the same manner as moneys required for the purposes of the municipality and the provisions of the appropriate municipal Act, insofar as applicable and not inconsistent with the provisions of 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 such debentures by the Minister of Urban Affairs or the Minister of Rural Development, as the case may require.

1983-84 cP-39.1 s34.

Passing of bylaw

35 The council shall pass, within one month after its assent, every proposed bylaw mentioned in section 33 that receives the assent of a majority of the persons entitled to vote on money bylaws in the municipality voting on it whose ballots are not rejected.

1983-84 cP-39.1 s35.

Debentures

36 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 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.

1983-84 cP-39.1 s36.

DISSOLUTION OF LIBRARY**Dissolution of board**

37(1) Where a board fails or neglects to open a municipal library to the public within two years after the appointment of the board, the council, with the approval of the minister, may make an *ex parte* application to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan who, on consideration of the application, may make an order dissolving the board and vesting in the municipality all the real and personal property of the board.

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

1983-84 cP-39.1 s37.

PART IV
Community Libraries
INTERPRETATION AND APPLICATION

Interpretation

38 In this Part, “**board**” means a community library board.

1983-84 cP-39.1 s38.

Application

39(1) This Part applies to every community library established pursuant to this Part or pursuant to any former Act respecting public libraries.

(2) Subject to the regulations, a community library may be established in any municipality or in any unincorporated area of Saskatchewan where no other public library is established.

1983-84 cP-39.1 s39.

BOARD

Board a body corporate

40(1) Every board is to be known as “The _____
Community Library Board”. *(distinguishing name of the library)*

(2) When established, a board is a body corporate.

1983-84 cP-39.1 s40.

Functions of board

41(1) The board is responsible for conducting the business of the community library, including the management, regulation and control of the library.

(2) The business and procedures of the board are required to be carried out in the manner prescribed by the regulations.

1983-84 cP-39.1 s41.

Accommodation, purchase of books, etc.

42 Subject to the regulations, the board shall provide suitable accommodation for the community library and may for that purpose:

- (a) acquire necessary land and acquire, erect or rent buildings; and
- (b) purchase books, periodicals, newspapers and other articles and objects of educational value for the community library.

1983-84 cP-39.1 s42.

Transfer of property to a municipal library

43(1) Where the establishment of a municipal library pursuant to Part III is proposed, the members of the board within that municipality may, at the annual meeting or at a special meeting called for the purpose, by resolution declare that the assets and property of the community library are to be transferred to the municipal library after the establishment of the municipal library.

(2) When the municipal library is established pursuant to Part III, the board shall transfer the assets and property as directed in the resolution to the municipal library board and, on that transfer, the board is dissolved.

1983-84 cP-39.1 s43.

Transfer of property when a municipality enters a regional library

44(1) Where the establishment of a regional library pursuant to Part V is proposed, the members of the board within the area embraced by the regional library may, at the annual meeting or at a special meeting called for the purpose, by resolution declare that the assets and property of the community library are to be transferred directly to the municipality or to the regional library board concerned after the passing of a bylaw pursuant to Part V.

(2) When the regional library is established pursuant to Part V, the board shall transfer the assets and property as directed in the resolution to the municipality or to the regional library board concerned and, on that transfer, the board is dissolved.

1983-84 cP-39.1 s44.

Dissolution of community library by minister

45(1) Subject to subsection (3), the minister may by order effect a dissolution of a board where:

- (a) the membership in the community library does not include at least 20 persons who are of the full age of 18 years;
 - (b) the term of office of the members of the board has expired and a new board has not been elected for a period of at least one year from the date of the expiration of the term of office of the members;
 - (c) the board fails or neglects to keep the community library open to the public for one year or more;
 - (d) the board fails to furnish an annual report, as required by this Act or any regulations, for two consecutive years; or
 - (e) the council that established the community library has entered into an agreement with a regional library for library service or has established a municipal library.
- (2) Where the minister has made an order pursuant to subsection (1), he may take possession of all the books, buildings, lands or other assets of the community library and dispose of them:
- (a) by transfer to a municipal or regional library; or
 - (b) in any other manner that he may consider necessary.

(3) Notwithstanding the dissolution of a board pursuant to this section, the board is deemed to subsist but only for the purpose of doing anything necessary to wind up its affairs, including, subject to subsection (2), the disposal of its property.

1983-84 cP-39.1 s45.

PART V
Regional Libraries
INTERPRETATION AND APPLICATION

Interpretation

46 In this Part, “**board**” means a regional library board.

1983-84 cP-39.1 s46.

Application of part

47 This Part applies to every regional library maintained in whole or in part by municipal taxation and established pursuant to this Part or pursuant to any former Act respecting public libraries.

1983-84 cP-39.1 s47.

ESTABLISHMENT OF REGIONAL LIBRARY

General power to establish regional library

48(1) Subject to the regulations, a municipality may enter into an agreement with one or more other municipalities to establish and operate or to operate a regional library and may:

- (a) grant money for the establishment; and
- (b) make an annual grant for the maintenance;

of the regional library.

(2) A regional library established pursuant to this section is to be known as “The _____ Regional Library” or
(name)

“The _____ Library Region”.
(name)

(3) Subject to the approval of the minister, the board shall designate the headquarters of the regional library.

1983-84 cP-39.1 s48.

Council may by bylaw participate

49 A council of its own initiative by bylaw, without submission to the persons entitled to vote on the bylaw, may agree to participate in:

- (a) the establishment and operation of a regional library; or
- (b) the operation of an established regional library.

1983-84 cP-39.1 s49.

PARTICIPATION

Power of electors

50(1) On receipt of a petition requesting the participation by the municipality in a regional library and signed by at least 10% of the electors of that municipality, the council shall prepare and submit to the electors a proposed bylaw providing for the participation by the municipality in a regional library in the same manner and in accordance with the same proceedings as are required in the case of any other bylaw that requires the assent of the electors.

(2) Where a council prepares a proposed bylaw pursuant to subsection (1), it shall immediately send a copy of the proposed bylaw to the Provincial Librarian.

(3) Where a proposed bylaw submitted to the electors pursuant to this section receives the assent of a majority of the electors voting on it whose ballots are not rejected, the council shall immediately pass the bylaw whether that council is or is not the council that submitted the proposed bylaw to the electors.

(4) Where the vote of the electors is adverse to the proposed bylaw, no new proposed bylaw for the same purpose is to be submitted to the electors within the same year.

1983-84 cP-39.1 s50.

Indian bands

51(1) The municipalities associated in the operation of a regional library may enter into an agreement with an Indian band for the purpose of having the band participate in the regional library.

(2) Where an agreement is made pursuant to subsection (1):

- (a) the council of the Indian band is deemed to be a municipal council; and
- (b) the Indian band is deemed to be a municipality;

for the purposes of this Part.

1983-84 cP-39.1 s51.

Terms of agreement

52(1) The terms of any agreement to participate in the establishment and operation or the operation of a regional library are required to be in accordance with any terms prescribed by the regulations.

(2) The parties to the agreement may prescribe additional terms of agreement that are not inconsistent with the regulations.

1983-84 cP-39.1 s52.

Withdrawal from and winding up of regional library

53(1) Where a participating municipality desires to withdraw from a regional library, it may do so only if:

- (a) it has, at least two years prior to the date of withdrawal, given the board a written notice of its intention to withdraw;
- (a.1) the effective date of its withdrawal is December 31 of a particular year; and
- (b) it complies with the terms of withdrawal prescribed by the regulations.

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

1983-84 cP-39.1 s53; 1988-89 c17 s2.

Regional library assumes powers, etc., of local library board

54 When a municipality enters into an agreement to participate in a regional library:

- (a) the functions, duties and powers of the community library board or municipal library board, as the case may be, vest in the board when it advises the municipality in writing that it is ready to assume and does assume those functions, duties and powers;
- (b) on the assumption of the functions, duties and powers by the board pursuant to clause (a), the board of the municipal library or of the community library, if any, cease to exist; and
- (c) the council of the municipality shall establish, pursuant to section 62, a local library board to be known as "The _____
(name of municipality) Library Board".

1983-84 cP-39.1 s54.

BOARD**Regional library board**

55(1) The general management, control and operation of a regional library shall be under the supervision and direction of a board.

- (2) The board is a body corporate.
- (3) The board is required to consist of one member appointed by the council of each municipality that participates in the regional library and a municipality with a population of over 5,000 is entitled to appoint an additional member for each additional 5,000 population or fraction thereof.
- (4) A member of the board holds office for a term of two years from the date of his appointment and until his successor is appointed.
- (5) A member of the board who is absent from two successive meetings of the board without sufficient cause ceases to be a member and the municipality that he represented shall, on being so advised, appoint another member in his stead for the unexpired term of that member.
- (6) Where a member of the board resigns, dies or no longer resides in the municipality that he represents, the council of the municipality shall appoint another member to fill the vacancy for the unexpired term of that member.
- (7) The council of each participating municipality shall appoint the members of the board and their alternates at the first meeting of the council in January, and a vacancy arising from any cause shall be filled at the first regular meeting of the council after the vacancy occurs.

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

1983-84 cP-39.1 s55.

Executive committee

56(1) Subject to subsection (2), every board shall, at its annual meeting, elect from among its members, a chairman and an executive committee to carry out the day to day business of the board and the operation of the regional library.

(2) Where one or more Indian bands are participating in a regional library, the executive committee of the board is required to have at least one member representing the Indian band or bands chosen by and from the members of the board who represent the bands concerned.

1983-84 cP-39.1 s56.

Quorum

57 Except where a board by bylaw otherwise provides, a majority of the members of the board or of the executive committee, as the case may be, constitutes a quorum.

1983-84 cP-39.1 s57.

Bylaws

58(1) Subject to subsection (3), a board shall make bylaws governing:

- (a) the procedure and policy for meetings; and
- (b) the carrying out of the business of the board and the executive committee.

(2) The bylaws made pursuant to subsection (1) are binding with respect to the operations of the regional library.

(3) The bylaws of the board may be made or amended at a general meeting of the board.

1983-84 cP-39.1 s58.

Meetings

59(1) The annual meeting of the board must be held between January 1 and May 15 in each year.

(2) At least ten days' notice of every general meeting of the board is required to be given to each member of the board.

1983-84 cP-39.1 s59.

Accounts

60 Every board shall:

- (a) keep proper accounts of its receipts and expenditures; and
- (b) submit its accounts annually to be audited by an auditor designated by the board.

1983-84 cP-39.1 s60.

Annual report of operations

61 Every board shall prepare and submit to the council of each municipality participating in the regional library and to the minister:

- (a) an annual report of its operations;
- (b) a financial statement prepared in accordance with the terms prescribed in the regulations.

1983-84 cP-39.1 s61.

LOCAL LIBRARY BOARDS**Local library boards**

62(1) For the purpose of developing the local library in a municipality participating in a regional library, the council or councils of the municipality or municipalities the residents of which use that regional library shall appoint a local library board.

(2) Subject to the regulations, a local library board established pursuant to this section is required to consist of not less than three nor more than 15 members.

(3) The members of the local library board are required to include:

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

(4) The functions and responsibilities of the local library board of a municipality are:

- (a) to interpret and implement 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 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 undertake local library promotion and public relations campaigns in the community;

- (e) to take responsibility for special library programming;
 - (f) in conjunction with the board, to establish and maintain standards for hours of service and types of local service;
 - (g) to recommend to the board and to the regional librarian appointed pursuant to clause 66(1)(a) programs and materials relevant to the interests and requirements of the community;
 - (h) to consult and report on a regular basis to the council of the municipality in respect of which the local library board was created;
 - (i) to advise the board with respect to the appointment and terms of employment of the librarian for the local library;
 - (j) to perform those other duties delegated by the board; and
 - (k) to perform those other functions in accordance with the regulations for the provision of adequate library services on the local level.
- (5) In addition to the functions and responsibilities described in subsection (4), a local library board that represents a regional reference centre designated pursuant to clause 64(1)(f) shall:
- (a) be known as a regional reference centre board;
 - (b) 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;
 - (c) formulate collection development policies in co-operation with the regional library board;
 - (d) advise the regional library board with respect to the appointment of staff required by the regional reference centre library; and
 - (e) perform any additional duties delegated to it by the regional library board that are not inconsistent with this Act and the regulations.

1983-84 cP-39.1 s62.

OPERATION

Responsibilities of board

63(1) Every board shall:

- (a) establish, maintain and equip a regional library headquarters and provide service through those local libraries, mobile units and mail service that it considers necessary;

- (b) acquire, circulate and maintain books, periodicals, newspapers, films, recordings and other articles and objects of informational, educational, cultural, artistic or recreational value that it considers necessary for the provision of library services and may take steps to promote the use of library materials;
 - (c) acquire and maintain all necessary equipment and supplies;
 - (d) co-operate with the provincial library in maintaining province-wide services.
- (2) The board shall prepare a policy statement outlining:
- (a) the responsibilities, in addition to those described in section 67, of the board and of the regional librarian;
 - (b) the aims and objectives of the library region; and
 - (c) any other items that it considers necessary for the proper operation of a regional library.
- (3) The policy statement mentioned in subsection (2) is to govern the operations of the regional library.

1983-84 cP-39.1 s63; 1988-89 c42 s83.

Powers of board generally

64(1) A board may:

- (a) acquire, erect, rent or lease and maintain any lands or buildings that it considers necessary for the purposes of the regional library and may sell, exchange, lease or otherwise dispose of that property when it is no longer required;
- (b) borrow on the security of its assets for the purpose of operating the regional library or for the purchase of equipment;
- (c) enter into agreements with public libraries, municipalities and any persons or association of persons to provide library services;
- (d) provide in the region any other services or perform any other functions that it considers necessary for the development and operation of library services;
- (e) establish and maintain a capital fund to be used for the acquisition or leasing of:
 - (i) buildings and equipment; or
 - (ii) books, periodicals, pamphlets, musical scores, recordings, films and other materials of an educational, informational, cultural, recreational or artistic value;

(f) designate, in co-operation with the council of a municipality that participates in the regional library and which 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 clause (1)(f) may develop special collections that respond to the specific needs of the region.

1983-84 cP-39.1 s64; 1988-89 c42 s83.

Power to use funds for general and specific purposes

65 Every board shall utilize funds received by it for the purpose of:

- (a) co-operative services;
- (b) training staff;
- (c) conducting surveys;
- (d) offering scholarships;
- (e) operating special projects;
- (f) acquiring special collections; or
- (g) doing any other thing that the board considers necessary to develop library services.

1983-84 cP-39.1 s65; 1984-85-86 c16 s26.

Regional librarian and other staff

66(1) Every board shall:

- (a) engage a librarian as regional librarian; and
- (b) on the recommendation of the regional librarian, appoint any other employees that may be required for the operation of the regional library.

(2) The regional librarian appointed pursuant to clause (1)(a) shall act as secretary of the board and as secretary to all committees of the board, but he is not entitled to vote at the meetings of the board or any of its committees.

1983-84 cP-39.1 s66.

Retirement plans

67 A 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.

1983-84 cP-39.1 s67.

Staff welfare

68 Subject to the approval of the minister, a board may:

- (a) join an existing fund or establish a fund providing pensions, disability or other insurance or health benefits for the employees of the board with contributions made from the employees; and

- (b) make the payments necessary for the establishment and maintenance of any fund mentioned in clause (a).

1983-84 cP-39.1 s68.

FINANCE

Funds for operation

69 A regional library is to be operated and maintained by grants from the Government of Saskatchewan, municipal funds and grants or funds from any other sources.

1983-84 cP-39.1 s69.

Grants by municipalities

70(1) Where a municipality participates in a regional library, it shall make an annual grant to the regional library.

(2) Subject to subsection (3) and to the terms of an agreement entered into pursuant to this Part for the establishment and operation of a regional library, the board shall determine the amount of the annual grants to be made by each municipality participating in the regional library.

(3) Notwithstanding anything contained in an agreement described in subsection (2), where a municipality contributes more than 25% of the annual municipal grants made to a board, the board shall not determine any increase in the amount of that grant unless the municipality has agreed to it.

1983-84 cP-39.1 s70.

Power of the municipality to make special levy

71(1) Moneys required for the purpose of section 70 may be:

- (a) included in the general municipal tax levy; or
- (b) raised by special tax levy.

(2) Where the moneys are raised by special tax levy, the tax is required to be levied in the same manner as the general municipal rates.

(3) All the provisions of the appropriate municipal Act respecting the assessments and collection of taxes, including penalties for non-payment and provision for enforcing payment of taxes, and the provisions of *The Tax Enforcement Act* apply to the special tax levy in the same manner and to the same extent as if the tax formed part of the general municipal levy.

(4) A council may raise money in the manner provided by subsection (1) for the purpose of:

- (a) giving financial assistance to a local library board appointed pursuant to section 62 to permit that board to:
 - (i) erect and maintain buildings; and

- (ii) operate a branch library; or
- (b) erecting, maintaining and operating a branch library without reference to a local library board.

1983-84 cP-39.1 s71.

PART V.1 Northern Library Office

Interpretation

71.1(1) In this Part:

- (a) **“board”** means the board of directors of the Northern Library Office appointed pursuant to section 71.21;
- (b) **“board of education”** means a board of education as defined in *The Education Act*;
- (c) **“local school advisory committee”** means a local school advisory committee as defined in *The Education Act*;
- (d) **“northern Saskatchewan”** means the Northern Saskatchewan Administration District;
- (e) **“regional college board”** means the board of a regional college established or continued pursuant to *The Regional Colleges Act*.

1989-90 c52 s4.

Northern Library Office established

71.11 The Northern Library Office is established as a body corporate consisting of the persons appointed pursuant to section 71.21.

1989-90 c52 s4.

Duties of Northern Library Office

71.2 The Northern Library Office 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:
 - (i) school;
 - (ii) regional college; and
 - (iii) public;

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 provincial library in maintaining province-wide library services;
- (f) perform any other related functions that the Lieutenant Governor in Council may prescribe.

1989-90 c52 s4.

Board of directors

71.21(1) Subject to subsection (2), the board of directors for the Northern Library Office shall consist of:

- (a) one person appointed by the local school advisory committee or board of education of each school division located within northern Saskatchewan;
- (b) one person appointed by the band council of each Indian band that:
 - (i) is located; and
 - (ii) operates a school library or community library;in northern Saskatchewan;
- (c) one person appointed by the board of each municipal library or community library providing services in any area in northern Saskatchewan; and
- (d) three persons appointed by each regional college board providing services in any area in northern Saskatchewan.

(2) Where two or more of the bodies who appoint persons pursuant to subsection (1) encompass or service the same geographic area in northern Saskatchewan, they, by agreement, may appoint one person as the appointee of those bodies.

(3) A person is not eligible to be appointed as a member of the board if that person is:

- (a) an employee of the board;
- (b) employed in a library operated by:
 - (i) a board of education;
 - (ii) an Indian band council;
 - (iii) a public library board; or
 - (iv) a regional college board; or
- (c) not a resident of northern Saskatchewan.

(4) Subject to subsections (5), (7) and (8), a person appointed as a member of the board holds office for a term of two years and until a successor is appointed.

(5) A member of the board may be appointed for no more than two consecutive terms.

(6) Where a member of the board is absent from two consecutive meetings of the board without sufficient cause, the board shall promptly notify the body by which the member was appointed.

(7) The body that appointed the member who is the subject of the notification mentioned in subsection (6) may:

- (a) terminate that person's appointment to the board; and
- (b) appoint to the board another person in his or her place for the remainder of the term of the member he or she replaces.

(8) A person ceases to be a member of the board when he or she:

- (a) dies;
- (b) submits his or her resignation to the board; or
- (c) ceases to be a resident of northern Saskatchewan.

(9) Where a person ceases to be a member of the board pursuant to subsection (8), the body which appointed him or her shall appoint a person as a member of the board to fill the vacancy for the remainder of the term of the member he or she replaces.

(10) A:

- (a) failure by any body to appoint a person to the board pursuant to subsection (1); or
- (b) vacancy in the membership of the board caused by any reason other than that described in clause (a);

does not impair the power of the other members of the board to act.

(11) The board, at each annual meeting, shall elect one of the members of the board as chairperson and another member of the board as vice-chairperson.

(12) The Lieutenant Governor in Council may determine any remuneration and reimbursement for expenses payable to members of the board for the performance of their duties as members of the board.

(13) The board shall pay to the members of the board the remuneration and reimbursement determined pursuant to subsection (12).

(14) The board shall fix the quorum necessary for the transaction of business by the board.

1989-90 c52 s4.

Meetings by communications facilities

71.3(1) A member of the board may participate in a meeting of the board or of any committee of the board by means of telephone or other communications facilities that permit all persons participating in the meeting to hear and communicate with each other.

(2) A member participating at a meeting by the means described in subsection (1) is deemed to be present at that meeting for the purpose of determining whether a quorum exists.

1989-90 c52 s4.

Executive committee

71.31(1) Subject to subsection (2), the board may from time to time:

- (a) appoint from among the members an executive committee; and
- (b) by resolution, 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 Office.

(2) Where at least two members of the board have been appointed pursuant to clause 71.21(1)(b), the membership of the executive committee is to include at least two members of the board appointed pursuant to that clause.

(3) A member of the executive committee holds office until:

- (a) the expiration of the term for which he or she was appointed;
- (b) he or she is removed by resolution of the board; or
- (c) he or she ceases to be a member of the board.

(4) Subject to the terms and conditions contained in the resolution, the executive committee may exercise any powers of the board that are delegated to it by resolution 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 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) The quorum of the executive committee is a majority of its members.

1989-90 c52 s4.

Duties of the board

71.4 The board shall:

- (a) conduct and manage the business and affairs of the Northern Library Office in accordance with this Act;
- (b) hold an annual meeting of the board between January 1 and May 15 in each year;
- (c) make bylaws respecting:
 - (i) the calling of its meetings and the conduct of its business at those meetings; and

- (ii) the regulation of the conduct of its business and affairs;
- (d) prepare and maintain a written record of all proceedings and decisions of the board and of the executive committee; and
- (e) keep full and proper accounts of its receipts and expenditures.

1989-90 c52 s4.

Powers of Northern Library Office

71.41(1) The board may:

- (a) acquire, circulate and maintain books, periodicals, newspapers, films, records and other articles and objects of informational, educational, cultural, artistic or recreational value that it considers advisable for the provision of library services;
 - (b) promote the use of library materials and services;
 - (c) provide advisory services to libraries in northern Saskatchewan;
 - (d) provide resource collections to libraries in northern Saskatchewan;
 - (e) provide bibliographic services to libraries in northern Saskatchewan;
 - (f) provide library-related training for employees of:
 - (i) boards of education;
 - (ii) regional college boards; and
 - (iii) public library boards;
- in northern Saskatchewan;
- (g) enter into agreements with any other library or any person or association of persons to provide library services;
 - (h) subject to the approval of the minister:
 - (i) borrow moneys from time to time for its purposes; and
 - (ii) grant an encumbrance or other form of security interest on its property for the purpose of borrowing moneys pursuant to subclause (i);
 - (i) establish, maintain and administer a capital fund for the acquisition of:
 - (i) library materials; or
 - (ii) personal property;

required for its purposes;

- (j) invest any part of the capital fund or other moneys of the Northern Library Office in any security or class of securities authorized for investment of moneys in the consolidated fund pursuant to *The Financial Administration Act* and dispose of the investments as it sees fit;

- (k) fix and determine any fees to be charged by it for the provision of its services;
 - (l) accept any gift, grant, devise or bequest of any property or moneys made to it;
 - (m) act as a trustee of any moneys or property given in any manner for the support of the Northern Library Office;
 - (n) enter into any agreements for the purposes of:
 - (i) performing the duties imposed; and
 - (ii) exercising the powers conferred on it;pursuant to this Act; and
 - (o) provide any other service or perform any other functions that it considers necessary for the development and operation of library services in northern Saskatchewan.
- (2) Subject to subsection (3), the board may:
- (a) by purchase, lease or otherwise, acquire any real or personal property necessary for its purposes;
 - (b) construct, renovate, expand or otherwise develop or improve any buildings or other facility required for its purposes; and
 - (c) sell, lease or otherwise dispose of any of its property no longer necessary for its purposes.
- (3) The board shall obtain the prior approval of the minister before acquiring, altering or disposing of any of its real property.
- (4) The board may insure its real and personal property against loss from any cause.

1989-90 c52 s4.

Staff

71.5(1) The board:

- (a) shall:
 - (i) employ a chief librarian; and
 - (ii) determine the duties, powers and conditions of employment of the chief librarian;
- (b) may employ any other employees that it considers necessary for the conduct of its operations; and
- (c) may determine the respective duties, powers, conditions of employment and remuneration to be paid to those employees.

(2) The board:

- (a) has control over; and
- (b) shall supervise;

its officers and employees.

(3) The chief librarian shall act as secretary to the board and to the executive committee but is not entitled to vote at the meetings of the board or executive committee.

(4) Subject to the approval of the minister, the board may join, establish or support any or all of:

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

for the benefit of the employees of the board and the dependants of those employees.

1989-90 c52 s4.

Operating grants

71.51 The Northern Library Office is to be operated and maintained by grants from the Government of Saskatchewan and grants or funds from other sources.

1989-90 c52 s4.

Appropriation

71.6 The minister, out of moneys appropriated by the Legislature for the purpose, may make grants to the Northern Library Office.

1989-90 c52 s4.

Boards may make grants

71.7 Notwithstanding any other Act, in order to establish, maintain or operate the Northern Library Office or to maintain the provision of its services, any:

- (a) board of education;
- (b) board of a municipal library;
- (c) board of a community library; or
- (d) regional college board;

that is entitled to appoint a member of the board may make any grant or other contribution to the Northern Library Office in any amount that it may determine.

1989-90 c52 s4.

Audit

71.8(1) The board shall appoint an auditor or firm of auditors to audit the accounts and financial statements of the Northern Library Office.

(2) The auditor or firm of auditors appointed pursuant to subsection (1) shall, annually and at any other time that the minister may require, audit the accounts and financial statements of the Northern Library Office.

1989-90 c52 s4.

Annual report

71.9(1) The board shall prepare and submit to the Minister and to each body which has appointed a current member of the board within ninety days following the end of each fiscal year:

(a) a report on the operations of the Northern Library Office during the immediately preceding fiscal year; and

(b) a copy of the audited financial statement for the Northern Library Office for the immediately preceding fiscal year.

(2) The fiscal year of the Northern Library Office is:

(a) the period commencing on January 1 in one year and ending on December 31 in the same year; or

(b) any other period that the Lieutenant Governor in Council may prescribe.

1989-90 c52 s4.

PART VI

Grants and Gifts

Grants by municipalities, school districts and school units

72 In order to establish or maintain or to assist in establishing or maintaining a public library or library 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 the board of trustees concerned may determine.

1983-84 cP-39.1 s72.

Grants

73 The minister may, in accordance with any terms and conditions that are prescribed in the regulations, 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; and

- (b) contributing towards the maintenance of any public library.

1983-84 cP-39.1 s73.

Power to acquire gifts

74(1) Any community library, municipal library, local library or regional library may accept and receive gifts, devises and bequests for the purposes of the library and may, subject to the terms of any trust imposed by the testator or donor of the devise or bequest, sell, lease, convey or otherwise dispose of and convert into money real and personal property given, devised or bequeathed for those purposes.

(2) The minister may accept and receive gifts, devises and bequests for the purposes of this Act and may, subject to the terms of any trust imposed by the testator or donor of the devise or bequest, sell, lease, convey or otherwise dispose of and convert into money real and personal property given, devised or bequeathed for those purposes.

1988-89 s42 s83.

PART VII
General
INTERPRETATION

Interpretation

75 In this Part:

- (a) **“board”** means any board established pursuant to this Act; and
- (b) **“library”** means a community library, a municipal library, a regional library, a local library, the Northern Library Office or the provincial library.

1983-84 cP-39.1 s75; 1988-89 c42 s83; 1989-90 c52 s5.

ACTIONS NOT INVALID

Board action not to be invalidated

76 No resolution, bylaw, proceeding or action of any board shall be invalid or set aside for the reason that a person, whose appointment has been annulled or declared illegal, acted as a member of the board.

1983-84 cP-39.1 s76.

ORDERS AND PROCEEDINGS

Records and minutes of meetings

77(1) All boards shall enter all orders and proceedings in books kept for that purpose and the chairman shall sign the orders and proceedings.

(2) The orders and proceedings of a board entered and purporting to be duly signed are to be original orders and proceedings of that board and the books are admissible in evidence as *prima facie* proof of the order or proceedings in any judicial and other proceedings.

1983-84 cP-39.1 s77.

BYLAWS

Board power to make bylaws

78(1) A board may make bylaws respecting:

- (a) the safety and use of the library;
- (b) the admission of the public to 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.

(2) A bylaw made pursuant by a board to this section has no effect and is not binding on any person affected by the bylaw until a copy of the bylaw, certified by the chairman of the board, is posted in a conspicuous place in the library.

(3) Any person who wilfully commits a breach of a bylaw made pursuant to this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$50.

1983-84 cP-39.1 s78; 1989-90 c52 s6.

NON-PROFIT CORPORATION

Membership interest in non-profit corporation

79 The provincial library, the board of a municipal library or the board of a regional library may acquire a membership interest in a non-profit corporation in the manner provided by *The Non-profit Corporations Act*.

1983-84 cP-39.1 s79; 1988-89 c42 s83.

PROPERTY AND USE OF LIBRARIES

Recovery of library property

80 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 parties liable for the same.

1983-84 cP-39.1 s80.

Use of libraries to be free

81(1) Subject to the regulations, no fee is to be charged for the borrowing of books and other printed material from municipal and regional libraries by the residents of the municipalities operating those libraries.

(2) Subject to the regulations, every municipal and regional library, including branches and bookmobiles operated by those libraries, is to be open, free of charge, to residents of municipalities operating those libraries.

(3) A regional library board, community library board or municipal library board may impose a fixed fee on non-residents who borrow books and other library materials.

(4) The Northern Library Office, a regional library board, a community library board or a municipal library board may impose a penalty on users retaining books and other library materials for a longer period than the period specified or authorized at the time when those books or materials, as the case may be, were borrowed.

(5) No fee is to be charged for the borrowing of books and other printed material from the Northern Library Office.

1983-84 cP-39.1 s81; 1989-90 c52 s7.

Library materials are public property

82 Books, recordings, films and other library materials held by a public library are the property of that public library board.

1983-84 cP-39.1 s82.

Offence to destroy, etc., library property

83 Any person who:

- (a) without the consent of a library wilfully retains; or
- (b) mutilates or destroys;

library property is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.

1983-84 cP-39.1 s83.

SPECIAL CONSTABLE**Special constable**

84 On the request of the board of any library operating within a municipality, the municipal board of police commissioners or the council of that municipality may appoint a special constable pursuant to *The Police Act, 1990* for the purpose of preserving the peace in the grounds and buildings of the library and of preventing theft or destruction or damage to the property of the library or any breach of the peace in the library and of apprehending offenders.

1983-84 cP-39.1 s84; 1989-90 c52 s8; 1990-91 cP-15.01 s102.

DISORDERLY BEHAVIOUR

Penalty for disorderly behaviour

85 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 \$25.

1983-84 cP-39.1 s85; 1989-90 c52 s9.

RECORDS

Minister has access to library's records

86 The board of every library to which this Act applies shall, when requested by the minister, furnish the minister with that information that he may require respecting matters pertaining to the organization, equipment, cost, maintenance, finances and use made of the library.

1983-84 cP-39.1 s86.

ACTIONS

Actions barred

87 No action or other proceeding for damages is to be instituted against a board or council, or a member of a board or council 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.

1983-84 cP-39.1 s87.

Limitation of actions

88(1) Except in the case of negligence, no action, prosecution or other proceeding lies or is to be instituted against a board or council for an 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, unless it is commenced:

- (a) within 12 months next after the negligence complained of or, in the case of continuance of injury or damage resulting from negligence, within 12 months after it ceases; or
- (b) within any further time that the court may allow.

(2) Where, in the opinion of the court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding, the court may award the defendant costs to be taxed as between solicitor and client.

1983-84 cP-39.1 s88.

MUNICIPAL ACTS APPLY

Municipal Acts apply

89 For the purpose of carrying out the provisions of this Act in a municipality in which a public 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.

1983-84 cP-39.1 s89.

EXISTING LIBRARIES

Application of Act to existing libraries

90 Every library and every board established and every agreement made pursuant to any Act respecting public libraries or mechanics and literary institutes or regional libraries is continued and is subject to the provisions of this Act.

1983-84 cP-39.1 s90.

FINES

Disposition of certain fines

91 Fines collected pursuant to sections 78, 83 or 85 are to be paid over to the municipality in which the offence was committed to be used by the municipality for library purposes.

1983-84 cP-39.1 s91.

REGULATIONS

Regulations

92 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the duties of the Saskatchewan Library Board;
- (b) prescribing the terms of agreement for participating in the establishment and operation or the operation of a regional library;
- (c) prescribing the terms and conditions upon which a municipality may withdraw its participation from a regional library;
- (d) prescribing the procedure for the winding up of a regional library and for the disposition of its assets;
- (e) providing for the administration of gifts or grants made to libraries;

- (f) providing for the inspection, maintenance, operation and management of libraries;
- (g) prescribing the forms for and the manner of making reports respecting the equipment, cost, maintenance and finances of libraries;
- (h) prescribing the terms and conditions under which a community library may be established;
- (i) prescribing rules governing the operation of community libraries established pursuant to this Act or any former Act respecting public libraries;
- (j) prescribing the powers and duties of the board of a community library;
- (k) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations.

1983-84 cP-39.1 s92.

PART VIII

Repeal and Coming into Force

Rev, Stat. c.P-39 repealed

93 *The Public Libraries Act* is repealed.

1983-84 cP-39.1 s93.