

1 **Nebraska Public Library Laws: Chapter 51 and Beyond**

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Presenter: Scott Childers, SELS

2 **Disclaimer**

- The presenter is not acting as any attendee's legal council and the information presented should not be construed as actual legal advice or the promise of such in the future. The goal of the presentation is to make the attendees aware that such legal requirements exist.
- If actual legal advice is sought for specific reasons, they should contact their city attorney or other such legal professional.

3 **Nebraska Revised Statute 84-712.05 (Confidentiality of Library Records)**

- "The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:
- ... (13) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;"

4 **Nebraska Revised Statute 84-712.05 (Confidentiality of Library Records)**

- "... (17) Library, archive, and museum materials acquired from nongovernmental entities and preserved solely for reference, research, or exhibition purposes, for the duration specified in subdivision (17)(b) of this section, if:
- (a) Such materials are received by the public custodian as a gift, purchase, bequest, or transfer; and
- (b) The donor, seller, testator, or transferor conditions such gift, purchase, bequest, or transfer on the materials being kept confidential for a specified period of time;"

5 **Nebraska Revised Statute 28-807 (Obscenity Definition)**

- "... (10) Obscene shall mean (a) that an average person applying contemporary community standards would find that the work, material, conduct, or live performance taken as a whole predominantly appeals to the prurient interest or a shameful or morbid interest in nudity, sex, or excretion, (b) the work, material, conduct, or live performance depicts or describes in a patently offensive way sexual conduct specifically set out in sections 28-807 to 28-829, and (c) the work, conduct, material, or live performance taken as a whole lacks serious literary, artistic, political, or scientific value;..."

6 **Nebraska Revised Statute 28-815 (Defense against prosecution)**

- "It shall be a defense to a prosecution under section 28-813 that:
- (1) Such person's activity consists of teaching in regularly established and recognized educational institutions, galleries or libraries, ..."
- "(2) Such person has no financial interest in an activity, product, or event entitling such person to participate in the promotion, management, proceeds, or profits of the activity, product, or event, and such person's only connection with the activity, product, or event entitles such person to a reasonable salary or wages for services actually rendered;..."

7 **Nebraska Revised Statute 84-1407
(Open Meeting Act)**

- Most library boards fall under the definition of groups that must follow Nebraska Open Meeting Act rules.
- View recording of previous CASTL session, or NCompass Live webinar for more information

8 **Library Board Statutes**

Depending on the size of your town, there are different statutes that apply.
For metropolitan class (Omaha), refer to 14-207(27)
For primary class (Lincoln), refer to 15-230

9 **Nebraska Revised Statute 16-251
(Cities of the first class (5,000-100,000 pop.))**

- "The mayor and city council of any city of the first class may (1) establish and maintain public libraries, ...
- ... The mayor and city council may also pass necessary bylaws and regulations for the protection and government of the public libraries, reading rooms, art galleries, and museums. The ownership of the real and personal property of a public library shall be in the city. The mayor and city council shall approve any personnel administrative or compensation policy or procedure applying to a director or employee of a public library, reading room, art gallery, or museum before such policy or procedure is implemented."

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Cities of the second class and villages

Nebraska Revised Statute 51-201 - 51-216

11 **Nebraska Revised Statute 51-201.1
(Basic Services)**

- "For purposes of sections 51-201 to 51-219:
- (1) Basic services shall include, but not be limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services; ..."
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12 **Nebraska Revised Statute 51-202
(Board creation and makeup)**

- "... (1) The library board shall have at least five members. Neither the mayor nor any member of the city council or village board shall be a member of the library board. Except as otherwise provided in subsection (2) of this section, the city council or village board shall by ordinance determine the number of members, whether the members are elected or appointed, and the length of the terms of the members...."

13 **Nebraska Revised Statute 51-204
(Board organization, officers & quorum)**

- "The members of any city, village, county, or township library board shall immediately after their appointment meet and organize by electing from their number a president, secretary, and such other officers as may be necessary. A majority of the members of a city, village, county, or township library board shall constitute a quorum for the transaction of business."

14 **Nebraska Revised Statute 51-205
(Library board; bylaws, rules, and regulations)**

- “The library board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with sections 51-201 to 51-219.”

15 **Nebraska Revised Statute 51-207**
(Control of funds)

- “The library board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose.”

16 **Nebraska Revised Statute 51-209**
(Disbursements of funds)

- “All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of any public library shall be kept for the use of the library separate and apart from all other funds of the city, village, county, or township, shall be drawn upon and paid out by the treasurer of such city, village, county, or township upon vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner.”

17 **Nebraska Revised Statute 51-211**
(Library Board Powers)

- “(1) The library board may erect, lease, or occupy an appropriate building for the use of a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The governing body of the county, city, or village in which the library is located shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the library board.”

18 **Nebraska Revised Statute 51-211**
(Library Board Powers, continued)

- “(2) The library board may establish rules and regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The library board may fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation and fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services. ...”

19 **Nebraska Revised Statute 51-213**
(Annual Report)

- On or before the 2nd Monday in February, a report to the city council/village board containing the below will be delivered by the library board
 - All money received, credited, and expended
 - Number of items held
 - Number of periodical subscriptions
 - Number of materials withdrawn
 - Circulation
 - Other statistics as deemed of general interest or as required by the council/board

20 **Resources**

- Nebraska State Statutes

By Chapter: <https://nebraskalegislature.gov/laws/browse-statutes.php>

Search Interface: <https://nebraskalegislature.gov/laws/laws.php>

- Nebraska Library Board Manual:
<http://nlc.nebraska.gov/trustees/BoardManual/chap2.aspx>
- Nebraska Library Director Manual:
<http://nlc.nebraska.gov/directorsguidebook/laws.aspx>

21 **Questions?**