

**Annotated Checklist on Public Library-Related State Statutes**  
*Revised Statutes State of Nebraska*

[Note: These are listed in numerical, statute order to make it easier to find the full-text statute.]

**13-801 through 13-827:** These sections deal with Interlocal Agreements, that is, contracts between different governmental units. See especially 13-804 which lists what needs to be covered in such agreements (subsection 3). Such agreements need to be approved and signed by the city council if a municipal library wants to enter into an Interlocal Agreement with the county, for example.

**13-2501 through 13-2550:** These sections cover yet another method (Joint Public Agency Act) by which a governmental entity can cooperate with another one.

**16-251:** Provisions under which cities of the first class (pop. of 5,000 – 100,000) may provide library services – no details offered. Library boards in cities of the first class may be either governing or advisory depending on the powers given to them by local ordinances approved by city council.

**17-969, 19-1301 and 19-1302:** Information on “sinking funds,” allowed to be set up by city council for replacement of costly equipment or other large capital expenditures by setting aside money ahead of time before the useful life of such capital items ends.

**51-201 through 51-216:** Primary sections of the state statutes that deal with public libraries, specifically for cities of the second class (pop. 801 – 5,000) and for villages (pop. 100 to 800). These provisions are often used, however, by cities of the first class as a basis for the bylaws and regulations approved by local government officials for their public libraries. NOTE: Most Nebraska cities of the first class have governing (aka administrative) library boards, but some of these boards are hybrids, while others are completely advisory. One example of a hybrid is a library board that has decision-making powers on all matters except personnel, which are handled by the city. It is recommended very strongly that library boards proceed cautiously in acting on the powers listed below and that they strive for an excellent working relationship with local, elected officials.

Sections dealing with library board powers are underlined below:

- **51-201:** First two paragraphs describe how a public library may be established, provide for tax levies by action of city council. Third paragraph talks about establishment of a county library. Fourth paragraph discusses methods of merger (and discusses use of Interlocal Agreement or Joint Public Agency Agreements for this purpose).
- **51-201.01:** Defines what a library’s “basic services” are. (See **51-211** below.)
- **51-201.03 and 51-201.04:** Details on establishing a county library, offering various methods.

- **51-201.05:** How to merge a county library with already existing municipal libraries within the county.
- **51-202:** Details on public library boards: number of members, terms, whether appointed or elected, vacancies, and membership under provisions of an Interlocal Agreement, etc.
- **51-204:** Library Board officers, quorum, etc.
- **51-205:** Library Board by-laws, rules, etc.
- **51-206:** Library Board powers: can hold a mortgage.
- **51-207:** Library Board powers: exclusive control of expenditures of all money; can rent and construct a library; supervises the building, grounds, etc.
- **51-208:** Library Board powers: may contract with other government entities (although, under Interlocal Agreement, etc., the contract must be between the city council and XYZ).
- **51-209:** Library Board powers: how library funds are to be disbursed.
- **51-210:** Library Board powers: may purchase or lease grounds; may condemn real estate for library building site (power of eminent domain).
- **51-211:** Library Board powers: may erect building; appoint librarian and assistants and fix their compensation; hire and fire employees; establish rules and regulations for government of library; establish penalties for damage of library materials or other property; make basic services available without charge (See **51-201.01** above.); may not discriminate or deny service to people because of race, sex, religion, etc.
- **51-213:** Details on required annual report to city council.
- **51-214:** Recovery of legal costs via civil action.
- **51-215:** Library Board powers: Details on donations made to library. (This one is problematic; title to property donated to the library board or to the city vests in the city, not the library board. If property is given to a 501 c 3 organization such as a library foundation, then title is vested with that organization rather than with the city. )
- **51-216:** Library Board powers: May sell real estate; details on required advertising, etc.

**84-712.05:** Records that may be withheld from the public; see subsection 10 in particular on library records. Both the Nebraska Library Commission and the American Library Association strongly recommend keeping such records confidential. However, federal law, in the case of USA PATRIOT ACT, does trump this, although there are rules that must be followed.

**84-1407 through 84-1414:** The sections of the statutes sometimes referred to as the “open meetings” act, or the “public meetings” law. See especially the state’s philosophy on public meetings (**84-1408**), examples of allowable reasons for closed sessions and details on what may and may not be done in a closed session (**84-1410**), required notice for public meetings (**84-1411**), the rights of the public at such meetings (**84-1412**), various procedural matters such as minutes, roll call, etc. (**84-1413**), unlawful actions taken in closed sessions, legal remedies, and punishments (**84-1414**). Note: Nebraska has one of the strongest “open meetings” laws in the U.S., and library boards and city councils both are covered by it.