

1 AN ACT relating to library district boards.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 173.480 is amended to read as follows:

4 **(1)** Upon the creation of a district, the fiscal court of each county in the district shall at  
 5 once notify the Department for Libraries and Archives of the establishment of the  
 6 district and shall forward to the department a copy of the petition required pursuant  
 7 to KRS 173.470. The Department for Libraries and Archives shall then recommend  
 8 to the county judge/executive of each county in the district the names of suitable  
 9 persons from among the signers of the petition to be appointed to the board. The  
 10 Department for Libraries and Archives in recommending persons to the county  
 11 judge/executive for appointment to the board shall recommend twice as many  
 12 persons for each county as the county is entitled to have members appointed, and  
 13 the county judge/executive shall immediately, with the approval of the fiscal court,  
 14 make the selection from those recommended **unless the fiscal court has adopted an**  
 15 **alternative appointment process through the passage of a resolution. For fiscal**  
 16 **courts that adopt an alternative appointment process, the county judge/executive:**

17 **(a) 1. May immediately, with the approval of the fiscal court, make the**  
 18 **selection from those recommended by the Department for Libraries**  
 19 **and Archives; and**

20 **2. For any appointments the county judge/executive decides not to fill**  
 21 **from the first recommendations, shall request the Department for**  
 22 **Libraries and Archives to submit within (30) days two (2) additional**  
 23 **recommended persons for each unfilled appointment, and, with the**  
 24 **approval of the fiscal court, may make the selection from those**  
 25 **recommendations; and**

26 **(b) For any remaining unfilled appointments after the provisions of paragraph**  
 27 **(a) of this subsection have been followed, shall appoint, with the approval of**

1 *the fiscal court, individuals of his or her choosing, whether or not the*  
 2 *individuals signed the petition, no later than thirty (30) days after the day*  
 3 *the county judge/executive received the recommendations under paragraph*  
 4 *(a)2. of this subsection and made no appointment therefrom. The county*  
 5 *judge/executive shall notify the Department for Libraries and Archives of*  
 6 *the name of any individual appointed in the manner set out in this*  
 7 *paragraph.*

8 **(2)** Where the district consists of one (1) county, the county judge/executive shall  
 9 appoint five (5) persons from that county as members.

10 **(3)** *Where the district consists of more than one (1) county,* the Department for  
 11 Libraries and Archives shall prescribe by regulation the number of board members~~]~~  
 12 ~~when the district consists of more than one (1) county]~~, provided that the board  
 13 shall consist of:

14 **(a)** Not less than one (1) nor more than four (4) members from each county, each  
 15 county having such number of members as the proportion of its population  
 16 bears to the total population in the district;~~]~~ and

17 **(b)** ~~[that the total membership of the board consists of ]~~Not less than five (5)  
 18 members.

19 **(4)** Where a county joins an already established district:

20 **(a)** ~~[,]~~The Department for Libraries and Archives shall, from among the signers  
 21 of the petition, recommend to the county judge/executive of each county  
 22 included in the new district for the first time twice as many persons for  
 23 appointment to the board as the county is entitled to have appointed, and the  
 24 county judge/executive shall select the members for the county from this list  
 25 *unless the fiscal court has adopted an alternative appointment process*  
 26 *through the passage of a resolution. For fiscal courts that adopt an*  
 27 *alternative appointment process, the county judge/executive:*

1           **1. a. May select the members for the county from those recommended**  
 2                                   **by the Department for Libraries and Archives; and**  
 3           **b. For any appointments the county judge/executive decides not to**  
 4                                   **fill from the first recommendations, shall request the**  
 5                                   **Department for Libraries and Archives to submit within (30)**  
 6                                   **days two (2) additional recommended persons for each unfilled**  
 7                                   **appointment, and, with the approval of the fiscal court, may**  
 8                                   **make the selection from those recommendations; and**  
 9           **2. For any remaining unfilled appointments after the provisions of**  
 10                                   **subparagraph 1. of this paragraph have been followed, shall appoint,**  
 11                                   **with the approval of the fiscal court, individuals of his or her**  
 12                                   **choosing, whether or not the individuals signed the petition, no later**  
 13                                   **than thirty (30) days after the day the county judge/executive received**  
 14                                   **the recommendations under subparagraph 1.b. of this paragraph and**  
 15                                   **made no appointment therefrom. The county judge/executive shall**  
 16                                   **notify the Department for Libraries and Archives of the name of any**  
 17                                   **individual appointed in the manner set out in this subparagraph;**  
 18                                   **and**~~[.]~~

19           **(b)** The terms of the members of the counties composing the previously existing  
 20                                   district shall expire immediately upon the organization of the new board and  
 21                                   such vacancies shall be filled as provided in KRS 173.490.

22           **→**Section 2. KRS 173.490 is amended to read as follows:

- 23           **(1) (a)** One-third (1/3) of the persons first appointed to the board shall serve for a  
 24                                   term of two (2) years, one-third (1/3) for a term of three (3) years and one-  
 25                                   third (1/3) for a term of four (4) years. Where the board consists of a number  
 26                                   of members not divisible by three (3), one-third (1/3) of the next higher  
 27                                   number divisible by three (3), shall serve for a term of two (2) years, one-third

1 (1/3) for a term of three (3) years and the remaining number shall serve for a  
 2 term of four (4) years. Thereafter, as their terms expire, **the board shall make**  
 3 **recommendations on** their successors, **who** shall be **appointed as set out in**  
 4 **paragraph (b) of this subsection**~~[-recommended by the board].~~

5 **(b)** The board shall recommend two (2) persons committed to the provision of  
 6 library services to the Department for Libraries and Archives, for each  
 7 vacancy. The names shall be forwarded to the Department for Libraries and  
 8 Archives and the state librarian and commissioner shall recommend those  
 9 names to the county judge/executive. The county judge/executive shall  
 10 immediately, with the approval of the fiscal court, make **the**~~[his]~~ selection  
 11 from those recommended **unless the fiscal court has adopted an alternative**  
 12 **appointment process through the passage of a resolution. For fiscal courts**  
 13 **that adopt an alternative appointment process, the county judge/executive:**

14 **1. a. May immediately, with the approval of the fiscal court, make the**  
 15 **selection from those recommended by the state librarian and**  
 16 **commissioner; and**

17 **b. For any appointments the county judge/executive decides not to**  
 18 **fill from the first recommendations, shall request the**  
 19 **Department for Libraries and Archives to submit within (30)**  
 20 **days two (2) additional recommended persons for each unfilled**  
 21 **appointment, and, with the approval of the fiscal court, may**  
 22 **make the selection from those recommendations; and**

23 **2. For any remaining unfilled appointments after the provisions of**  
 24 **subparagraph 1. of this paragraph have been followed, shall appoint,**  
 25 **with the approval of the fiscal court, individuals of his or her choosing**  
 26 **no later than thirty (30) days after the day the county judge/executive**  
 27 **received the recommendations under subparagraph 1.b. of this**

1                   paragraph and made no appointment therefrom. The county  
 2                   judge/executive shall notify the Department for Libraries and Archives  
 3                   of the name of any individual appointed in the manner set out in this  
 4                   subparagraph.

5           (c) Board members thus appointed shall serve a term of four (4) years each.  
 6           Trustees may serve for two (2) consecutive terms after which they shall not  
 7           succeed themselves. They may be reappointed no earlier than twelve (12)  
 8           months following the end of their last service. The members shall hold office  
 9           until their respective successors are appointed and qualified. After absence of  
 10          a trustee from four (4) regular monthly meetings of the board during any one  
 11          (1) year of the trustee's term, the trustee shall be considered to have  
 12          automatically resigned from the board. An advisory board may be appointed  
 13          and serve as specified in the bylaws of the board of trustees.

14       (2) Any vacancy occurring in the terms of office of members shall be filled for the  
 15       unexpired term by the county judge/executive, with the approval of the fiscal court,  
 16       by appointment on recommendation of the state librarian and commissioner of two  
 17       (2) names of persons committed to the provision of library services and living in the  
 18       county in which the vacancy occurred unless the fiscal court has adopted an  
 19       alternative appointment process through the passage of a resolution. For fiscal  
 20       courts that adopt an alternative appointment process, the county judge/executive:

21       (a) 1. May immediately, with the approval of the fiscal court, make the  
 22       appointment on the recommendation of the state librarian and  
 23       commissioner of two (2) names of persons committed to the provision  
 24       of library services and living in the county in which the vacancy  
 25       occurred; and

26       2. If the county judge/executive decides not to make the appointment  
 27       from the first recommendations, shall request the Department for

1                   Libraries and Archives to submit within (30) days two (2) additional  
 2                   recommended persons for the unfilled appointment, and, with the  
 3                   approval of the fiscal court, may make the selection from those  
 4                   recommendations; and

5                   **(b) For any remaining unfilled appointment after the provisions of paragraph**  
 6                   **(a) of this subsection have been followed, shall appoint, with the approval of**  
 7                   **the fiscal court, an individual of his or her choosing no later than thirty**  
 8                   **(30) days after the day the county judge/executive received the**  
 9                   **recommendations under paragraph (a)2. of this subsection and made no**  
 10                   **appointment therefrom. Any person appointed in accordance with this**  
 11                   **paragraph shall be committed to the provision of library services and living**  
 12                   **in the county in which the vacancy occurred. The county judge/executive**  
 13                   **shall notify the Department for Libraries and Archives of the name of any**  
 14                   **individual appointed in the manner set out in this paragraph.**

15                   (3) A member of the board may be removed from office as provided by KRS 65.007.

16                   ➔Section 3. KRS 173.520 is amended to read as follows:

17                   (1) The board shall establish, equip and maintain libraries or contract with existing  
 18                   libraries for the furnishing of library service for the district and do all things  
 19                   necessary to provide efficient library service. The board may also enter an  
 20                   agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library  
 21                   service. No district shall establish a library unless the plans for the establishment,  
 22                   equipment, and maintenance have been approved by the Department for Libraries  
 23                   and Archives. No contract shall be made unless the libraries contracting to furnish  
 24                   service are libraries approved by the Department for Libraries and Archives for this  
 25                   purpose.

26                   (2) The district, as a body corporate, by and through the board may:

27                   (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase,

1 lease, occupy or erect appropriate buildings for the use of the district libraries  
 2 and their branches, lease or build to lease appropriate buildings for use by  
 3 educational institutions, sell and convey real and personal property for and on  
 4 behalf of the district, receive gifts of real and personal property for the use and  
 5 benefit of the district, the same when accepted to be held and controlled by the  
 6 board according to the terms of the deed, gift, devise or bequest of such  
 7 property;

8 (b) Borrow money on the credit of the board in anticipation of the revenue to be  
 9 derived from taxes levied by the district for the fiscal year in which the money  
 10 is borrowed, and to pledge the taxes levied for the district for the payment of  
 11 the principal and interest of the loan. The principal shall not exceed fifty  
 12 percent (50%) of the anticipated revenue for the fiscal year in which the  
 13 money is borrowed;

14 (c) Establish bylaws it deems necessary and expedient to define the duties of  
 15 officers or employees and make all necessary policies governing libraries,  
 16 library service and personnel within the district.

17 (3) (a) The following requires the majority vote of the board members and  
 18 approval of the fiscal court:

19 1. Leasing appropriate buildings for use by educational institutions;

20 2. Constructing appropriate buildings for use by educational institutions;

21 and

22 3. The approval of expenditures for capital projects with a total cost that  
 23 is equal to or greater than one million dollars (\$1,000,000). This  
 24 subparagraph does not apply to awards made from the public library  
 25 facilities construction fund under KRS 171.027 that were made before  
 26 the effective date of this Act.

27 (b) Buildings for use by educational institutions shall be deemed appropriate

1                    *buildings for purposes of this subsection and subsection (2) of this section*  
 2                    *when the building meets the school building requirements established by*  
 3                    *the Kentucky Board of Education.*

4     **(4)** The board in exercise of its powers shall be guided by the regulations and  
 5                    requirements of the Department for Libraries and Archives.

6     ~~**(5)**~~ ~~**(4)**~~ The powers set forth in this section shall not be construed to limit, restrict or  
 7                    modify any powers or authority granted by any other part of KRS 173.450 to  
 8                    173.650 or any other law not in conflict with the provisions of this section.

9                    ➔Section 4. KRS 173.725 is amended to read as follows:

- 10    (1) Upon the creation of a district, the fiscal court of each county in the district shall at  
 11                    once notify the Department for Libraries and Archives of the establishment of the  
 12                    district and shall forward to the department a copy of the petition required pursuant  
 13                    to KRS 173.720. The Department for Libraries and Archives shall then recommend  
 14                    to the county judge/executive of each county in the district the names of suitable  
 15                    persons from among the signers of the petition to be appointed to the board. The  
 16                    Department for Libraries and Archives in recommending persons to the county  
 17                    judge/executive for appointment to the board shall recommend twice as many  
 18                    persons for each county as the county is entitled to have members appointed, and  
 19                    the county judge/executive shall, with the approval of the fiscal court, immediately  
 20                    make the selection from those recommended *unless the fiscal court has adopted an*  
 21                    *alternative appointment process through the passage of a resolution. For fiscal*  
 22                    *courts that adopt an alternative appointment process, the county judge/executive:*  
 23                    *(a) 1. May immediately, with the approval of the fiscal court, make the*  
 24                    *selection from those recommended by the Department for Libraries*  
 25                    *and Archives; and*  
 26                    *2. For any appointments the county judge/executive decides not to fill*  
 27                    *from the first recommendations, shall request the Department for*



1                   Libraries and Archives to submit within (30) days two (2) additional  
 2                   recommended persons for each unfilled appointment, and, with the  
 3                   approval of the fiscal court, may make the selection from those  
 4                   recommendations; and

5                   **(b) For any remaining unfilled appointments after the provisions of paragraph**  
 6                   **(a) of this subsection have been followed, shall appoint, with the approval of**  
 7                   **the fiscal court, individuals of his or her choosing, whether or not the**  
 8                   **individuals signed the petition, no later than thirty (30) days after the day**  
 9                   **the county judge/executive received the recommendations under paragraph**  
 10                   **(a)2. of this subsection and made no appointment therefrom. The county**  
 11                   **judge/executive shall notify the Department for Libraries and Archives of**  
 12                   **the name of any individual appointed in the manner set out in this**  
 13                   **paragraph.**

14                   **(2)** Where the district consists of one (1) county, the county judge/executive shall  
 15                   appoint five (5) persons from that county as members.

16                   **(3) Where the district consists of more than one (1) county,** the Department for  
 17                   Libraries and Archives shall prescribe by regulation the number of board members~~[~~  
 18                   ~~when the district consists of more than one (1) county]~~, provided that the board  
 19                   shall consist of:

20                   **(a)** Not less than one (1) nor more than four (4) members from each county, each  
 21                   county having such number of members as the proportion of its population  
 22                   bears to the total population in the district;~~[,]~~ and

23                   **(b)** ~~[that the total membership of the board consists of ]~~Not less than five (5)  
 24                   members.

25                   **(4)** Where a county joins an already established district:

26                   **(a)** ~~[,]~~The Department for Libraries and Archives shall, from among the signers  
 27                   of the petition, recommend to the county judge/executive of each county

1 included in the new district for the first time twice as many persons for  
 2 appointment to the board as the county is entitled to have appointed, and the  
 3 county judge/executive shall select the members for the county from this list  
 4 unless the fiscal court has adopted an alternative appointment process  
 5 through the passage of a resolution. For fiscal courts that adopt an  
 6 alternative appointment process, the county judge/executive:

7 1. a. May select the members for the county from those recommended  
 8 by the Department for Libraries and Archives; and

9 b. For any appointments the county judge/executive decides not to  
 10 fill from the first recommendations, shall request the  
 11 Department for Libraries and Archives to submit within (30)  
 12 days two (2) additional recommended persons for each unfilled  
 13 appointment, and, with the approval of the fiscal court, may  
 14 make the selection from those recommendations; and

15 2. For any remaining unfilled appointments after the provisions of  
 16 subparagraph 1. of this paragraph have been followed, shall appoint,  
 17 with the approval of the fiscal court, individuals of his or her  
 18 choosing, whether or not the individuals signed the petition, no later  
 19 than thirty (30) days after the day the county judge/executive received  
 20 the recommendations under subparagraph 1.b. of this paragraph and  
 21 made no appointment therefrom. The county judge/executive shall  
 22 notify the Department for Libraries and Archives of the name of any  
 23 individual appointed in the manner set out in this subparagraph;  
 24 and[-]

25 **(b)** The terms of the members of the counties composing the previously existing  
 26 district shall expire immediately upon the organization of the new board and  
 27 such vacancies shall be filled as provided in KRS 173.730.

1 ~~[(2) In making recommendations and appointments under subsection (1) of this section~~  
 2 ~~and KRS 173.730, the Department for Libraries and Archives and the county~~  
 3 ~~judge/executive shall attempt to assure, to the extent permitted by the county's~~  
 4 ~~entitlement to board members, that the board includes members from different~~  
 5 ~~geographical areas, and from both cities and unincorporated areas, of the county.]~~

6 ➔Section 5. KRS 173.730 is amended to read as follows:

7 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a  
 8 term of two (2) years, one-third (1/3) for a term of three (3) years and one-  
 9 third (1/3) for a term of four (4) years. Where the board consists of a number  
 10 of members not divisible by three (3), one-third (1/3) of the next higher  
 11 number divisible by three (3), shall serve for a term of two (2) years, one-third  
 12 (1/3) for a term of three (3) years and the remaining number shall serve for a  
 13 term of four (4) years. Thereafter, as their terms expire, **the board shall make**  
 14 **recommendations on** their successors, **who** shall be **appointed as set out in**  
 15 **paragraph (b) of this subsection**~~[recommended by the board].~~

16 (b) The board shall recommend two (2) persons committed to the provision of  
 17 library services to the Department for Libraries and Archives, for each  
 18 vacancy. The state librarian and commissioner shall recommend those names  
 19 to the county judge/executive. The county judge/executive shall immediately,  
 20 with the approval of the fiscal court, make the selection from those  
 21 recommended **unless the fiscal court has adopted an alternative**  
 22 **appointment process through the passage of a resolution. For fiscal courts**  
 23 **that adopt an alternative appointment process, the county judge/executive:**

24 **1. a. May immediately, with the approval of the fiscal court, make the**  
 25 **selection from those recommended by the state librarian and**  
 26 **commissioner; and**

27 **b. For any appointments the county judge/executive decides not to**

1 fill from the first recommendations, shall request the  
 2 Department for Libraries and Archives to submit within (30)  
 3 days two (2) additional recommended persons for each unfilled  
 4 appointment, and, with the approval of the fiscal court, may  
 5 make the selection from those recommendations; and

6 2. For any remaining unfilled appointments after the provisions of  
 7 subparagraph 1. of this paragraph have been followed, shall appoint,  
 8 with the approval of the fiscal court, individuals of his or her choosing  
 9 no later than thirty (30) days after the day the county judge/executive  
 10 received the recommendations under of subparagraph 1.b. of this  
 11 paragraph and made no appointment therefrom. The county  
 12 judge/executive shall notify the Department for Libraries and Archives  
 13 of the name of any individual appointed in the manner set out in this  
 14 subparagraph.

15 (c) Board members thus appointed shall serve a term of four (4) years each.  
 16 Trustees may serve for two (2) consecutive terms after which they shall not  
 17 succeed themselves. They may be reappointed no earlier than twelve (12)  
 18 months following the end of their last service. The members shall hold office  
 19 until their respective successors are appointed and qualified. After absence of  
 20 a trustee from four (4) regular monthly meetings of the board during any one  
 21 (1) year of the trustee's term, the trustee shall be considered to have  
 22 automatically resigned from the board. An advisory board may be appointed  
 23 and serve as specified in bylaws of the board of trustees.

24 (2) Any vacancy occurring in the terms of office of members shall be filled for the  
 25 unexpired term by the county judge/executive, with the approval of the fiscal court,  
 26 by appointment on recommendation of the state librarian and commissioner of two  
 27 (2) persons interested in the provision of library services and living in the county in

1 which the vacancy occurred unless the fiscal court has adopted an alternative  
 2 appointment process through the passage of a resolution. For fiscal courts that  
 3 adopt an alternative appointment process, the county judge/executive:

4 (a) 1. May immediately, with the approval of the fiscal court, make the  
 5 appointment on the recommendation of the state librarian and  
 6 commissioner of two (2) persons interested in the provision of library  
 7 services and living in the county in which the vacancy occurred; and

8 2. If the county judge/executive decides not to make the appointment  
 9 from the first recommendations, shall request the Department for  
 10 Libraries and Archives to submit within (30) days two (2) additional  
 11 recommended persons for the unfilled appointment, and, with the  
 12 approval of the fiscal court, may make the selection from those  
 13 recommendations; and

14 (b) For any remaining unfilled appointment after the provisions of paragraph  
 15 (a) of this subsection have been followed, appoint, with the approval of the  
 16 fiscal court, an individual of his or her choosing no later than thirty (30)  
 17 days after the day the county judge/executive received the recommendations  
 18 under paragraph (a)2. of this subsection and made no appointment  
 19 therefrom. Any person appointed in accordance with this paragraph shall  
 20 be committed to the provision of library services and living in the county in  
 21 which the vacancy occurred. The county judge/executive shall notify the  
 22 Department for Libraries and Archives of the name of any individual  
 23 appointed in the manner set out in this paragraph.

24 (3) A member of the board may be removed from office as provided by KRS 65.007.

25 ➔Section 6. KRS 173.745 is amended to read as follows:

26 (1) The board shall establish, equip and maintain libraries or contract with existing  
 27 libraries for the furnishing of library service for the district and do all things

1 necessary to provide efficient library service. The board may also enter an  
 2 agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library  
 3 services. No district shall establish a library unless the plans for the establishment,  
 4 equipment and maintenance have been approved by the Department for Libraries  
 5 and Archives. No contract shall be made unless the libraries contracting to furnish  
 6 service are libraries approved by the Department for Libraries and Archives for this  
 7 purpose.

8 (2) The district, as a body corporate, by and through the board may:

9 (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase,  
 10 lease, occupy or erect appropriate buildings for the use of the district libraries  
 11 and their branches, *lease or build to lease appropriate buildings for use by*  
 12 *educational institutions*, sell and convey real and personal property for and on  
 13 behalf of the district, receive gifts of real and personal property for the use and  
 14 benefit of the district, the same when accepted to be held and controlled by the  
 15 board according to the terms of the deed, gift, devise or bequest of such  
 16 property;

17 (b) Borrow money on the credit of the board in anticipation of the revenue to be  
 18 derived from taxes levied by the district for the fiscal year in which the money  
 19 is borrowed, and to pledge the taxes levied for the district for the payment of  
 20 the principal and interest of the loan. The principal to be repaid annually shall  
 21 not exceed fifty percent (50%) of the anticipated revenue for the fiscal year in  
 22 which the money is borrowed.

23 (c) Establish bylaws it deems necessary and expedient to define the duties of  
 24 officers or employees and make all necessary policies governing libraries,  
 25 library service and personnel within the district.

26 (3) *(a) The following requires the majority vote of the board members and*  
 27 *approval of the fiscal court:*

- 1                   **1. Leasing appropriate buildings for use by educational institutions;**  
 2                   **2. Constructing appropriate buildings for use by educational institutions;**  
 3                   **and**  
 4                   **3. The approval of expenditures for capital projects with a total cost that**  
 5                   **is equal to or greater than one million dollars (\$1,000,000). This**  
 6                   **subparagraph does not apply to awards made from the public library**  
 7                   **facilities construction fund under KRS 171.027 that were made before**  
 8                   **the effective date of this Act.**
- 9                   **(b) Buildings for use by educational institutions shall be deemed appropriate**  
 10                   **buildings for purposes of this subsection and subsection (2) of this section**  
 11                   **when the building meets the school building requirements established by**  
 12                   **the Kentucky Board of Education.**
- 13                   **(4)** The board in exercise of its powers shall be guided by the regulations and  
 14                   requirements of the Department for Libraries and Archives.
- 15                   **(5)**~~**(4)**~~ The powers set forth in this section shall not be construed to limit, restrict or  
 16                   modify any powers or authority granted by KRS 173.710 to 173.800 or any other  
 17                   law not in conflict with the provisions of this section.
- 18                   ➔Section 7. This Act takes effect on January 1, 2023.