

1 AN ACT relating to library district boards.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 173.450 TO 173.650 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) Notwithstanding any other statute to the contrary, the terms of the members of a*
6 *library board who were appointed pursuant to Sections 2 and 3 of this Act prior*
7 *to January 1, 2023, and serving on the board as of December 31, 2022, shall be*
8 *expired. Beginning on January 1, 2023, new persons shall be appointed as*
9 *members to the library boards under KRS 173.450 to 173.650.*

10 *(2) Persons appointed to a library board under Sections 2 and 3 of this Act on or*
11 *after January 1, 2023, shall, prior to appointment:*

12 *(a) Have been a resident within the library district for at least five (5) years;*

13 *and*

14 *(b) Be at least twenty-four (24) years of age.*

15 *(3) In making recommendations and appointments pursuant to Sections 2 and 3 of*
16 *this Act, the Department for Libraries and Archives and the county*
17 *judge/executive shall attempt to ensure that the board includes:*

18 *(a) Members from different geographical areas, and from both cities and*
19 *unincorporated areas of the county;*

20 *(b) When possible, at least one (1) member from each magisterial district or*
21 *commissioner district of the county; and*

22 *(c) No more than two (2) members from each magisterial district or*
23 *commissioner district of the county.*

24 ➔Section 2. KRS 173.480 is amended to read as follows:

25 *(1)* Upon the creation of a district, the fiscal court of each county in the district shall at
26 once notify the Department for Libraries and Archives of the establishment of the
27 district and shall forward to the department a copy of the petition required pursuant

1 to KRS 173.470. The Department for Libraries and Archives shall then recommend
 2 to the county judge/executive of each county in the district the names of suitable
 3 persons from among the signers of the petition to be appointed to the board. The
 4 Department for Libraries and Archives in recommending persons to the county
 5 judge/executive for appointment to the board shall recommend twice as many
 6 persons for each county as the county is entitled to have members appointed, and
 7 the county judge/executive shall either:

8 (a) Immediately, with the approval of the fiscal court, make the selection from
 9 those recommended; or

10 (b) *Appoint, with the approval of the fiscal court, individuals of his or her*
 11 *choosing, whether or not the individuals signed the petition, no later than*
 12 *thirty (30) days after the day the county judge/executive received the*
 13 *recommendations. The county judge/executive shall notify the Department*
 14 *for Libraries and Archives of the name of any individual appointed in the*
 15 *manner set out in this paragraph.*

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

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

22 (a) Not less than one (1) nor more than four (4) members from each county, each
 23 county having such number of members as the proportion of its population
 24 bears to the total population in the district;

25 (b) *Not more than two (2) members from the same magisterial district or*
 26 *commissioner district of each county;] and*

27 (c) ~~[that the total membership of the board consists of]~~Not less than five (5)

1 members.

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

3 **(a)** ~~[,]~~The Department for Libraries and Archives shall, from among the signers
4 of the petition, recommend to the county judge/executive of each county
5 included in the new district for the first time twice as many persons for
6 appointment to the board as the county is entitled to have appointed, and the
7 county judge/executive shall ***either:***

8 ***1.*** Select the members for the county from this list; ***or***

9 ***2.*** ***Appoint, with the approval of the fiscal court, individuals of his or her***
10 ***choosing, whether or not the individuals signed the petition, no later***
11 ***than thirty (30) days after the day the county judge/executive received***
12 ***the recommendations. The county judge/executive shall notify the***
13 ***Department for Libraries and Archives of the name of any individual***
14 ***appointed in the manner set out in this paragraph; and***~~[,]~~

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

18 ***(5) In making recommendations and appointments under this section, the persons***
19 ***selected for the board shall meet the requirements established in Section 1 of this***
20 ***Act.***

21 ➔Section 3. KRS 173.490 is amended to read as follows:

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

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

4 **(b)** The board shall recommend two (2) persons committed to the provision of
 5 library services to the Department for Libraries and Archives, for each
 6 vacancy. The names shall be forwarded to the Department for Libraries and
 7 Archives and the state librarian and commissioner shall recommend those
 8 names to the county judge/executive. The county judge/executive shall **either:**

9 **1.** Immediately, with the approval of the fiscal court, make his selection
 10 from those recommended; **or**

11 **2.** **Appoint, with the approval of the fiscal court, any individual of his or**
 12 **her choosing, who meets the requirements established in Section 1 of**
 13 **this Act, no later than thirty (30) days after the day the county**
 14 **judge/executive received the recommendations. The county**
 15 **judge/executive shall notify the Department for Libraries and Archives**
 16 **of the name of any individual appointed in the manner set out in this**
 17 **subparagraph.**

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

27 (2) Any vacancy occurring in the terms of office of members shall be filled for the

1 unexpired term by the county judge/executive, with the approval of the fiscal court,
2 by appointment either:

3 (a) On recommendation of the state librarian and commissioner of two (2) names
4 of persons committed to the provision of library services and living in the
5 county in which the vacancy occurred; or

6 (b) At the discretion of the county judge/executive of a person not named by the
7 state librarian and commissioner. Any person appointed in accordance with
8 this paragraph shall be committed to the provision of library services and
9 living in the county in which the vacancy occurred. The county
10 judge/executive shall notify the Department for Libraries and Archives of
11 the name of any individual appointed in the manner set out in this
12 paragraph.

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

14 (4) In making recommendations and appointments under this section, the persons
15 selected for the board shall meet the requirements established in Section 1 of this
16 Act.

17 ➔Section 4. KRS 173.520 is amended to read as follows:

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

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

- 1 (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase,
2 lease, occupy or erect appropriate buildings for the use of the district libraries
3 and their branches, lease or build to lease appropriate buildings for use by
4 educational institutions, sell and convey real and personal property for and on
5 behalf of the district, receive gifts of real and personal property for the use and
6 benefit of the district, the same when accepted to be held and controlled by the
7 board according to the terms of the deed, gift, devise or bequest of such
8 property;
- 9 (b) Borrow money on the credit of the board in anticipation of the revenue to be
10 derived from taxes levied by the district for the fiscal year in which the money
11 is borrowed, and to pledge the taxes levied for the district for the payment of
12 the principal and interest of the loan. The principal shall not exceed fifty
13 percent (50%) of the anticipated revenue for the fiscal year in which the
14 money is borrowed;
- 15 (c) Establish bylaws it deems necessary and expedient to define the duties of
16 officers or employees and make all necessary policies governing libraries,
17 library service and personnel within the district.
- 18 (3) (a) The following requires the unanimous vote of the board members and
19 approval of the fiscal court:
20 1. Leasing appropriate buildings for use by educational institutions;
21 2. Constructing appropriate buildings for use by educational institutions;
22 and
23 3. The approval of expenditures for capital projects with a total cost that
24 is equal to or greater than five hundred thousand dollars (\$500,000).
25 (b) Buildings for use by educational institutions shall be deemed appropriate
26 buildings for purposes of this subsection and subsection (1) of this section
27 when the building meets the school building requirements established by

1 *the Kentucky Board of Education.*

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

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

7 ➔SECTION 5. A NEW SECTION OF KRS 173.710 TO 173.800 IS CREATED
8 TO READ AS FOLLOWS:

9 **(1) Notwithstanding any other statute to the contrary, the terms of all library board**
10 **members appointed pursuant to Sections 6 and 7 of this Act prior to January 1,**
11 **2023, and serving on the board as of December 31, 2022, shall be expired.**
12 **Beginning on January 1, 2023, new members shall be appointed to library boards**
13 **of public library districts that fall under KRS 173.710 to 173.800.**

14 **(2) Persons appointed to a library board pursuant to Sections 6 and 7 of this Act on**
15 **or after January 1, 2023, shall, prior to appointment:**

16 **(a) Have been a resident within the library district for at least five (5) years;**

17 **and**

18 **(b) Be at least twenty-four (24) years of age.**

19 **(3) In making recommendations and appointments pursuant to Sections 6 and 7 of**
20 **this Act, the Department for Libraries and Archives and the county**
21 **judge/executive shall attempt to ensure that the board includes:**

22 **(a) Members from different geographical areas, and from both cities and**
23 **unincorporated areas of the county;**

24 **(b) When possible, at least one (1) member from each magisterial district or**
25 **commissioner district of the county; and**

26 **(c) No more than two (2) members from each magisterial district or**
27 **commissioner district of the county.**

1 ➔Section 6. KRS 173.725 is amended to read as follows:

2 (1) Upon the creation of a district, the fiscal court of each county in the district shall at
3 once notify the Department for Libraries and Archives of the establishment of the
4 district and shall forward to the department a copy of the petition required pursuant
5 to KRS 173.720. The Department for Libraries and Archives shall then recommend
6 to the county judge/executive of each county in the district the names of suitable
7 persons from among the signers of the petition to be appointed to the board. The
8 Department for Libraries and Archives in recommending persons to the county
9 judge/executive for appointment to the board shall recommend twice as many
10 persons for each county as the county is entitled to have members appointed, and
11 the county judge/executive shall, with the approval of the fiscal court, either:

12 (a) Immediately make the selection from those recommended; or

13 (b) *Appoint, with the approval of the fiscal court, individuals of his or her*
14 *choosing, whether or not the individuals signed the petition, no later than*
15 *thirty (30) days after the day the county judge/executive received the*
16 *recommendations. The county judge/executive shall notify the Department*
17 *for Libraries and Archives of the name of any individual appointed in the*
18 *manner set out in this subparagraph.*

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

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

25 (a) Not less than one (1) nor more than four (4) members from each county, each
26 county having such number of members as the proportion of its population
27 bears to the total population in the district;

1 (b) Not more than two (2) members from the same magisterial district or
 2 commissioner district of each county;~~[-]~~ and

3 (c) ~~[that the total membership of the board consists of]~~Not less than five (5)
 4 members.

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

6 (a) ~~[-]~~The Department for Libraries and Archives shall, from among the signers
 7 of the petition, recommend to the county judge/executive of each county
 8 included in the new district for the first time twice as many persons for
 9 appointment to the board as the county is entitled to have appointed, and the
 10 county judge/executive shall either:

11 1. Select the members for the county from this list; or

12 2. Appoint, with the approval of the fiscal court, the individuals of his or
 13 her choosing, whether or not the individuals signed the petition, no
 14 later than thirty (30) days after the day the county judge/executive
 15 received the recommendations. 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 173.730.

22 (5) In making recommendations and appointments under this section, the persons
 23 selected for the board shall meet the requirements established in Section 5 of this
 24 Act.

25 ~~[(2) In making recommendations and appointments under subsection (1) of this section~~
 26 ~~and KRS 173.730, the Department for Libraries and Archives and the county~~
 27 ~~judge/executive shall attempt to assure, to the extent permitted by the county's~~

1 ~~entitlement to board members, that the board includes members from different~~
 2 ~~geographical areas, and from both cities and unincorporated areas, of the county.]~~

3 ➔Section 7. KRS 173.730 is amended to read as follows:

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

13 (b) The board shall recommend two (2) persons committed to the provision of
 14 library services to the Department for Libraries and Archives, for each
 15 vacancy. The state librarian and commissioner shall recommend those names
 16 to the county judge/executive. The county judge/executive shall **either:**

17 1. Immediately, with the approval of the fiscal court, make the selection
 18 from those recommended; **or**

19 2. **Appoint, with the approval of the fiscal court, any individual of his or**
 20 **her choosing, no later than thirty (30) days after the day the county**
 21 **judge/executive received the recommendation. The county**
 22 **judge/executive shall notify the Department for Libraries and Archives**
 23 **of the name of any individual appointed in the manner set out in this**
 24 **subparagraph.**

25 (c) Board members thus appointed shall serve a term of four (4) years each.
 26 Trustees may serve for two (2) consecutive terms after which they shall not
 27 succeed themselves. They may be reappointed no earlier than twelve (12)

1 months following the end of their last service. The members shall hold office
 2 until their respective successors are appointed and qualified. After absence of
 3 a trustee from four (4) regular monthly meetings of the board during any one
 4 (1) year of the trustee's term, the trustee shall be considered to have
 5 automatically resigned from the board. An advisory board may be appointed
 6 and serve as specified in bylaws of the board of trustees.

7 (2) Any vacancy occurring in the terms of office of members shall be filled for the
 8 unexpired term by the county judge/executive, with the approval of the fiscal court,
 9 by appointment either:

10 (a) On recommendation of the state librarian and commissioner of two (2)
 11 persons interested in the provision of library services and living in the county
 12 in which the vacancy occurred; or ~~[-]~~

13 (b) At the discretion of the county judge/executive of a person not named by the
 14 state librarian and commissioner. Any person appointed in accordance with
 15 this paragraph shall be committed to the provision of library services and
 16 living in the county in which the vacancy occurred. The county
 17 judge/executive shall notify the Department for Libraries and Archives of
 18 the name of any individual appointed in the manner set out in this
 19 paragraph.

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

21 (4) In making recommendations and appointments under this section, the persons
 22 selected for the board shall meet the requirements established in Section 5 of this
 23 Act.

24 ➔Section 8. KRS 173.745 is amended to read as follows:

25 (1) The board shall establish, equip and maintain libraries or contract with existing
 26 libraries for the furnishing of library service for the district and do all things
 27 necessary to provide efficient library service. The board may also enter an

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

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

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

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

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

25 (3) (a) The following requires the unanimous vote of the board members and
26 approval of the fiscal court:

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

1 **2. Constructing appropriate buildings for use by educational institutions;**

2 **and**

3 **3. The approval of expenditures for capital projects with a total cost that**

4 **is equal to or greater than five hundred thousand dollars (\$500,000).**

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

6 **buildings for purposes of this subsection and subsection (1) of this section**

7 **when the building meets the school building requirements established by**

8 **the Kentucky Board of Education.**

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

11 **(5)**~~**(4)**~~ The powers set forth in this section shall not be construed to limit, restrict or
12 modify any powers or authority granted by KRS 173.710 to 173.800 or any other
13 law not in conflict with the provisions of this section.

14 ➔Section 9. This Act takes effect on January 1, 2023.