

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.