

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 under Sections 2 and 3 of this Act prior to*  
7 *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 a postsecondary credential that is at least the level of an associate*  
13 *degree, certificate, or diploma;*

14 *(b) Have been a resident within the library district for at least five (5) years;*  
15 *and*

16 *(c) Be at least twenty-four (24) years of age.*

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

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

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

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

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

27 *(1)* Upon the creation of a district, the fiscal court of each county in the district shall at

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

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

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

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

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

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

27 (b) *Not more than two (2) members from the same magisterial district or*

1 commissioner district of each county;~~[,]~~ and

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

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

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

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

11 2. Appoint, 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. The county judge/executive shall notify the*  
15 *Department for Libraries and Archives of the name of any individual*  
16 *appointed in the manner set out in this paragraph; and*~~[,]~~

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

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

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

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

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

6 **(b)** The board shall recommend two (2) persons committed to the provision of  
 7 library services to the Department for Libraries and Archives, for each  
 8 vacancy. The names shall be forwarded to the Department for Libraries and  
 9 Archives and the state librarian and commissioner shall recommend those  
 10 names to the county judge/executive. The county judge/executive shall **either:**  
 11 **1.** Immediately, with the approval of the fiscal court, make his selection  
 12 from those recommended; **or**  
 13 **2.** **Appoint, with the approval of the fiscal court, any individual of his or**  
 14 **her choosing, who meets the requirements established in Section 1 of**  
 15 **this Act, no later than thirty (30) days after the day the county**  
 16 **judge/executive received the recommendations. The county**  
 17 **judge/executive shall notify the Department for Libraries and Archives**  
 18 **of the name of any individual appointed in the manner set out in this**  
 19 **subparagraph.**

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

1 and serve as specified in the bylaws of the board of trustees.

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

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

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

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

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

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

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

1           purpose.

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

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

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

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

20       (3) **(a) The following requires the unanimous vote of the board members and**  
21           **approval of the fiscal court:**

22           **1. Leasing appropriate buildings for use by educational institutions;**

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

24           **and**

25           **3. The approval of expenditures for capital projects with a total cost that**  
26           **is equal to or greater than five hundred thousand dollars (\$500,000).**

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

1           *buildings for purposes of this subsection and subsection (1) 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)**~~ 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 5. A NEW SECTION OF KRS 173.710 TO 173.800 IS CREATED  
 10    TO READ AS FOLLOWS:

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

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

18       *(a) Have a postsecondary credential that is at least the level of an associate*  
 19           *degree, certificate, or diploma;*

20       *(b) Have been a resident within the library district for at least five (5) years;*  
 21           *and*

22       *(c) Be at least twenty-four (24) years of age.*

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

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

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

3 (c) No more than two (2) members from each magisterial district or  
 4 commissioner district of the county.

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

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

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

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

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

25 (3) Where the district consists of more than one (1) county, the Department for  
 26 Libraries and Archives shall prescribe by regulation the number of board members{  
 27 ~~when the district consists of more than one (1) county}~~, provided that the board



1 shall consist of:

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

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

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

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

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

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

16 2. Appoint, with the approval of the fiscal court, the individuals of his or  
17 her choosing, whether or not the individuals signed the petition, no  
18 later than thirty (30) days after the day the county judge/executive  
19 received the recommendations. The county judge/executive shall  
20 notify the Department for Libraries and Archives of the name of any  
21 individual appointed in the manner set out in this subparagraph;  
22 and~~[-]~~

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

26 (5) In making recommendations and appointments under this section, the persons  
27 selected for the board shall meet the requirements established under Section 5 of

1 *this Act.*

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

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

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

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

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

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

1                    subparagraph.

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

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

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

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

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

25    (4) In making recommendations and appointments under this section, the persons  
26    selected for the board shall meet the requirements established under Section 5 of  
27    this Act.

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

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

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

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

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

26      (c) Establish bylaws it deems necessary and expedient to define the duties of  
27      officers or employees and make all necessary policies governing libraries,

1 library service and personnel within the district.

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

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

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

6 and

7 3. The approval of expenditures for capital projects with a total cost that  
8 is equal to or greater than five hundred thousand dollars (\$500,000).

9 (b) Buildings for use by educational institutions shall be deemed appropriate  
10 buildings for purposes of this subsection and subsection (1) 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 9. This Act takes effect on January 1, 2023.