

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2022 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 340

**Bill #:** HB 480

**Document ID #:** 4538

**Bill Subject/Title:** AN ACT relating to library district boards.

**Sponsor:** Representative Patrick Flannery

Unit of Government:      City   **X**   County   **X**   Urban-County  
Unified Local  
  **X**   Charter County   **X**   Consolidated Local   **X**   Government

Office(s) Impacted: Library Boards and County Judges

Requirement:   **X**   Mandatory      Optional

Effect on  
Powers & Duties:      Modifies Existing   **X**   Adds New   **X**   Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local  
Government**

HB 480 creates new sections of KRS Chapter 173 **relating to public library districts (Sections 1-4) and library districts formed by petition (Sections 5-8).**

**Section 1:**

HB 480 provides the following in regards to library board make-up appointments:

- Member appointed before January 1, 2023, and serving on the board as of December 31, 2022 shall be expired. Beginning January 1, 2023, new persons shall be appointed. The new appointees, and those appointed after January 1, 2023, shall have a postsecondary credential no less than an associate degree, certificate, or diploma, have lived within the library district for no less than 5 years, and be at least 24 years old.
- The county judge/executive and the Department of Libraries and Archives shall attempt to ensure the board includes members from different geographical areas, from both cities and unincorporated areas of the county, at least one member from each magisterial district or commissioner district of the county, and no more than

two members from each magisterial district or commissioner district of the county. Likewise, if the district consists of more than one county, no more than two members shall be appointed from each magisterial district or each commissioner district of the county.

### **Section 2:**

In regards to both newly created districts and when a county joins an already established district, current law provides for the Department of Libraries and Archives to recommend to the county judge/executive of each county candidates for board appointment. These candidates must have signed the petition that created the library district. HB 480 allows the county judge/executive to make appointments with the approval of fiscal court immediately from those recommended or within 30 days after receiving the recommendations to appoint, with the approval of fiscal court, individuals of his or her choosing **whether or not the individuals signed the petition**. The county judge/executive shall notify the Department of Libraries and Archives the name of any appointee who did not sign the petition. Fiscal court must approve any appointments. The persons selected must meet the requirements of Section 1.

### **Section 3:**

Current law provides for staggered appointments and for their successors to be recommended by the board to the Department of Libraries and Archives at which time, HB 480 provides for a similar process as detailed in Section 2.

Similarly, vacancies shall be filled by the county judge/executive, with approval of the fiscal court on recommendation of the state librarian and commissioner of 2 names of persons living in the county in which the vacancy occurred at which time the county judge/executive again follows the procedure set forth in Section 2.

### **Section 4:**

Provides library boards the ability to lease buildings for use by educational institutions dependent on the unanimous vote of the board members and approval of the fiscal court. It also requires the unanimous vote of the board members and approval of the fiscal court for capital project expenditures equal to or greater than \$500,000.

### **Sections 5-8:**

Sections 5 – 8 pertain to **library districts formed by petition**. The provisions of Sections 5-8 are similar to the provisions found in Sections 1-4 regarding public libraries districts.

**The fiscal impact of HB 480 on local governments is expected to be minimal regarding appointments and possibly significant regarding leasing buildings for use by educational institutions. Additionally, HB 480 will require approval by the fiscal court for capital projects equal to or greater to \$500,000.**

Appointments to library boards are already provided for in current statute. HB 480 adds requirements regarding the makeup of the board. There might be time cost in finding ideal candidates meeting the requirements of HB 480.

Likewise, current statute already allows library boards to construct and lease buildings for the use of the district libraries and their branches. HB 480 extends that provision to leasing buildings for use by education institutions providing the unanimous vote of the library board and approval of fiscal court.

Lastly, HB 480 would limit capital projects to \$500,000 without the unanimous vote of the library board and fiscal court approval.

The Kentucky Department of Libraries and Archives (KDLA) was contacted for input. The KDLA expressed several concerns summarized below:

- Dissolving the library boards *en masse* will disrupt library services.
- Smaller counties will experience difficulty in fulfilling the residency and minimum education requirements for board membership imposed by HB 480.
- HB 480 fails to preserve the Public Library Trustee Certification Program that ensures trustees have the knowledge and training to govern public libraries.
- The current process allowing for the KDLA to select two nominees from members of the community, and then forward these nominees to the county judge provides a degree of transparency and accountability. Giving the county judge more reign over the selection process could politicize the process.
- Allowing libraries to construct and lease buildings to educational institutions is outside the role of a public library and detracts from the mission of public libraries. This could serve as a way to divert funds dedicated by statute to public libraries to public and private schools.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II refers to HB 480 as introduced. There are no prior versions of this bill.

**Data Source(s):** LRC Staff, Kentucky Department of Libraries and Archives

**Preparer:** Wendell F. Butler      **Reviewer:** KHC      **Date:** 3/8/22