

Kentucky Laws for Public Libraries - Abridged References

This listing of legal references is not comprehensive and does not constitute legal advice. There are many additional laws that directly or indirectly impact the governance and mandates for Kentucky's public libraries. If you need legal advice, you should consult an attorney.

The Constitution of the Commonwealth of Kentucky:

Public library trustees upon appointment will take an oath to uphold Kentucky's Constitution and laws. This web page provides access to the current Kentucky Constitution: <https://apps.legislature.ky.gov/law/constitution>.

KRS of particular interest to libraries:

Kentucky Revised Statutes are listed by title and are available online at: <https://legislature.ky.gov/Law/Statutes/Pages/default.aspx>. When referring to the statutes in Chapter 173, the specific section that applies to a particular library is determined by the statute under which the library was established. To find this information, look in Chapter 7 of the KDLA [Trustee Manual](#) or contact your KDLA Regional Consultant.

45A.345 - 460.....	Kentucky Model Procurement Code
45A.365	Competitive sealed bidding procedures
45A.385	Small Purchases: allows for contracts for less than \$40,000 without requiring bids
45A.425	Surplus property procedures
61.080	Incompatible Offices: Trustees of SPGE's with taxing authority may not serve on another board with taxing authority; school board members may not simultaneously serve on the board of a public library district - OAG 14-005
61.800 - 850	Open Meetings Act: Requirements of the laws, the procedures to follow in implementing them, the exceptions to invoke in appropriate circumstances, and the role of the Attorney General in interpretation and enforcement
61.870 - 884	Open Records Act: All public records, whether stored digitally or on paper, must be open for inspection unless the records are exempted by one or more of the exemptions
61.931 - 934	Personal information security and breach investigation definitions, notification, procedures and practices

- 62.010(1),(3) Oath of office: Appointed officials must take oath of office within 30 days of notice of appointment. No duties fulfilled until oath is taken
- 62.020(2)(e) Oath to be filed in the office of the county clerk
- 65.003 Financial Disclosure Statement: SPGEs' trustees and staff may be required to submit this if it is included in the code of ethics of the establishing entity
- 65.905 UFIR (Uniform Financial Information Report): SPGEs which are also taxing districts must file annually with the Department for Local Government (DLG) by May 1
- 65A.020(2) Budget amendments may be submitted to the DLG throughout the fiscal year. Final amendments must be submitted no later than June 30. Budget figures must be submitted to the DLG by July 15. Year End Actuals must be submitted to the DLG by September 1. This is a comparison of the budget to the actual revenues and expenditures
- 65A.020(5) Registration fee must be paid to the DLG by July 15
- 65A.030 Audits and attestation engagements must be completed within 12 months of the close of the fiscal year and submitted to DLG within 15 days of receipt. Frequency of submission based on annual revenues and expenditures. Financial statement to be prepared annually by the SPGE or a CPA. SPGE determines format
- 65A.040 Consequences of failure to submit required information or non-compliant information
- 65A.050 Administrative dissolution of a Special Purpose Governmental Entity
- 65A.070 Ethics Ordinance: SPGEs are subject to the code of ethics of the establishing entity and may adopt more stringent ethics provisions
- 65A.080(1) Budget Adoption: The budget for the upcoming fiscal year must be adopted by June 30
- 65A.080(2) Financial Statement Publication: The location for viewing the financial statement, budget and audit/attestation report must be published by September 1
- 65A.090 Registration and Board Reporting: SPGEs must annually submit the Registration and Board Reporting Form to the DLG by July 15
- 65A.110 Tax Rate Adoption: If the adopted tax rate exceeds the compensating rate, it must be submitted to the

- fiscal court for approval in writing within 7 days of adoption
- 66.480 Investment of Public Funds: Identifies approved investment instruments and requirement of written investment policy
- 132.023 Limits on Tax Rates: Any rate above the compensating rate requires a public hearing at the location of the local governing body (usually the fiscal court) immediately preceding a regularly scheduled meeting of the governing body. This hearing must be advertised in the newspaper at least twice in 2 consecutive weeks before the hearing and contain the specific information required by this statute
- 171.240 - 171.306 Certification of Librarians
- 173.065, 173.560, 173.765 Determines the fiscal year is from July 1 to June 30
- 173.080, 173.600, 173.785 Allows board to issue revenue bonds
- 173.107, 173.790(1) Establishes the method by which the ad valorem tax may be raised or lowered by petition
- 173.300, 173.450, 173.710 Definitions
- 173.330, 173.520(1), 173.745(1) Allows for contractual agreements for library service. Defines the role of KDLA in establishing library service
- 173.340(2), 173.480, 173.725(1) Establishes how the original board is created
- 173.340(2), 173.490(1), 173.730(1) Establishes the staggering of board member terms and determines terms to be for four (4) years. Limits each trustee to two (2) consecutive terms, after which each must be off the board for at least 12 months before reappointment. Determines that a trustee has automatically resigned upon missing his/her fourth regular monthly meeting within any 12 month period of the term
- 173.340(2), 173.490(2), 173.730(1) Establishes how trustees are appointed
- 173.340(2), 173.490(2), 173.730(2) Establishes method of filling unexpired vacancy
- 173.340(3), 173.510, 173.740 States that trustees shall not be paid, but may be reimbursed for actual expenses, upon vouchers approved by the board. Prohibits the hiring of relatives (no closer than a second cousin) of trustees. Prohibits trustees from selling goods or services to the library
- 173.340(4), 173.490(3), 173.730(3) Establishes method for removing a trustee from office
- 173.350(1), 173.500, 173.735 Requires the board to meet on a regular schedule once each month
- 173.350(2), 173.530, 173.750 Establishes that the board shall hire a library director and such other staff as recommended. Requires that

- staff be certified in compliance with certification laws and regulations
- 173.350(2)(3), 173.520(2), 173.745(2). Defines powers and duties of the board including in relation to: lawsuits, property, constructing buildings, accepting gifts of real or personal property, indebtedness, establishing bylaws and policies
- 173.360(1)(2) Specifies amounts and how appropriations will be provided in Cities of Home Rule Class, Counties, and Regions
- 173.360(2), 173.540(1), 173.755(1) Determines that the treasurer has custody of library funds and disburses them on itemized vouchers signed by the secretary and the president
- 173.360(2), 173.540(5), 173.755 (5) ... Requires the treasurer to be bonded in an amount set by the board
- 173.370, 173.570, 173.770 Annual Report requirements: Requires an Annual Report be submitted to KDLA within 60 days of close of the fiscal year and a copy given to the County Clerk or the legislative body of the governmental unit where the Board serves
- 173.395(2), 173.630, 173.800 Establishes methods for dissolving a taxing district by petition
- 173.460, 173.715 Library Districts may consist of a whole county or two or more contiguous counties
- 173.470, 173.720(1) Identifies statutes governing library taxing entities
- 173.470(3), 173.720(2) Specifies how ad valorem taxes are collected
- 173.500, 173.735 Determines legal name of public library district board. Names officers of the board (president, secretary, treasurer, and others deemed necessary) and sets their term as officers at two (2) years. Defines a quorum as a majority of the board (usually three trustees)
- 173.520(1), 173.745 (1) Determines board responsibility in providing library services
- 173.520(3), 173.745(3) Establishes role of KDLA with local board
- 173.520(4), 173.745(4) Disclaimer regarding board authority in relation to other laws
- 173.540(2), 173.755 (2) Determines that the treasurer is responsible for keeping an accurate account of library finances
- 173.540(3), 173.755 (3) Determines that the treasurer gives statements of accounts whenever required by the board
- 173.540(4), 173.755 (4) Determines that the treasurer have all accounts made up and presented to the board within 90 days following the close of the fiscal year

- 173.550, 173.760 Requires that all financial records for the library be available for inspection by the auditor of public accounts
- 173.580, 173.775 Allows board to hire an attorney and set salary
- 173.610(1) Establishes the method by which the ad valorem tax may be raised or lowered
- 173.610(2), 173.790(2)..... Limits tax rate to no more than 20 cents per 100 dollars
- 173.610(3), 173.790(3)..... Establishes conditions under which a petition to decrease the tax rate would be made invalid
- 173.620, 173.795 Allows for annexation of contiguous counties

KAR of particular interest to Libraries:

Kentucky Administrative Regulations are listed by title and are available online at: <https://legislature.ky.gov/Law/kar/Pages/default.aspx>.

TITLE 725 - Chapter 2 - Libraries

- 725 KAR 2:015 Public library facilities construction
- 725 KAR 2:040 State aid for specific counties
- 725 KAR 2:060 Certification of public librarians
- 725 KAR 2:070 Certification renewal of public librarians
- 725 KAR 2:080 Interstate Library Compact