Kentucky Laws for Public Libraries – Abridged References

This list of legal references is designed to help library directors and board members understand the laws that apply to public libraries. Kentucky public libraries are governed by many statutes in addition to those found here. Directors and trustees cannot be expected to be well-versed in the specifics of all laws and cases that apply to public libraries in Kentucky, but it is important to take the time to become generally aware of library law to make sure that the library is in compliance. As the laws are complex and legal compliance is so important, the board should consult an attorney to provide legal advice when necessary.

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 formed. To find this information, look in Chapter 7 of the KDLA Trustee Manual or contact your KDLA Regional Library Consultant.

45A.345 – 460	Kentucky Model Procurement Code
45A.365	Competitive sealed bidding procedures
45A.385	Small Purchases
45A.425	Surplus property procedures
61.080	Incompatible Offices
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
65.007	Establishes method for removing a trustee from office
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 deadline. Year End Actuals must be submitted to the DLG by August 29. 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 deadline
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 varies. 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 August 29
65A.090	Registration and Board Reporting: SPGEs must annually submit the Registration and Board Reporting Form to the DLG by deadline
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(1-2)	Establishes how trustees are appointed and vacancies filled
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
173.350(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