This listing of legal references is not comprehensive. There are many additional laws that directly or indirectly impact the governance and mandates for Kentucky’s public libraries.

**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: [http://www.lrc.ky.gov/legresou/constitu/intro.htm](http://www.lrc.ky.gov/legresou/constitu/intro.htm).

**KRS of particular interest to Libraries:**

KY Revised Statutes are listed by title and are available online in PDF format at: [http://www.lrc.ky.gov/krs/titles.htm](http://www.lrc.ky.gov/krs/titles.htm). When referring to the statutes in Chapter 173, the specific section which will apply to a particular library is determined by the statute under which the library was established. You may contact your KDLA Regional Librarian for help with this information.

- **45a.345 - 460** ..................................... Kentucky Model Procurement Code
- **45a.365** ..................................... Competitive Sealed Bidding: outlines sealed bidding procedures
- **45a.425** ..................................... Surplus Property: describes procedures for disposal of excess or surplus property
- **45a.385** ..................................... Small purchases: allows for contracts for less that $20,000 without requiring bids
- **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](http://www.lrc.ky.gov/legresou/constitu/intro.htm)
- **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 fourteen exemptions
- **61.931** ..................................... Definitions: Agency, Encryption, Nonaffiliated third party, Personal information, Security breach, etc.
- **61.932** ..................................... Personal information security and breach investigation procedures for agencies and contracts with nonaffiliated third parties
61.933 Notification of personal information security breach and notice to affected individuals

61.934 Personal information security breach investigation procedures and practices

62.010(1),(3) Oath of office: Appointed officials must take oath of office within 30 days 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.

65A.020(2) Budget Amendments: Amendments may be made throughout the fiscal year. Final amendments must be made no later than June 30th.

65A.020(2) Budget figures must be posted electronically through the Dept. for Local Government’s online system by July 15th.

65A.020(2)(a)(2)(a)(ii.) Year End Actuals must be posted electronically no later than 60 days following the end of the fiscal year (September 1st). This is a comparison of the budget to the actual revenues and expenditures.

65A.020(5) Registration fee must be paid to the Dept. for Local Government through the online system by credit card, debit card, or electronic check (bank draft) by July 15th.

65A.030 Audits and Attestation Engagement Agreements: According to levels of revenue and expenditures, must be submitted to the Dept. for Local Government within 12 months of the close of the fiscal year and within 15 days of receipt.

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 subject to the code of ethics of the establishing entity or may adopt more stringent ethics provisions.

65A.080(1) Budget Adoption: The budget for the upcoming fiscal year must be adopted by June 30th.

65A.080(2) Budget Publication: The location for viewing the adopted budget must be published within 60 days after the close of the fiscal year according to the provisions in Chapter 424 for legal notices.
65A.090 ........................................ Registration and Board Reporting: SPGE’s must annually complete the Registration & Board Reporting Form on the Dept. for Local Government’s online portal by July 15th.

65.905 ........................................ UFIR (Uniform Financial Information Report): Must be filed annually on the electronic form with the Department for Local Government.

65A.100 ........................................ Tax Rate Adoption: The adopted tax rate must be presented to the Fiscal Court in written (30 days before effective) and in testimony form (at least 10 days before effective).

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 at least twice in 2 consecutive weeks before the hearing and contain the specific information required by this statute.

171.240 - 171.300 ...................... Certification of Librarians

173.300, 173.450, 173.710 .......... Definitions

173.340(2), 173.480, 173.725(1) ...... Establishes how the original board is created

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 districts

173.360(1)(2) .............................. Specifies amounts and how appropriations will be provided in Cities of the Second to Sixth Class

173.470(3), 173.720(2) ............... Specifies how ad valorem taxes are collected

173.725(2) ................................ Suggests geographical diversity for board members

173.340(2), 173.490(1), 173.730(1) .... Establishes the “staggering” of board member terms

173.340(2), 173.490(2), 173.730(1) .... Establishes how trustees are appointed: the board names two individuals for each vacancy, sends names to State Librarian who then sends to County Judge/Executive who appoints, with Fiscal Court approval, one of the two names submitted

173.340(2), 173.490(1), 173.730(1) .... Determines terms to be for four (4) years

173.340(2), 173.490(1), 173.730(1) .... Limits each trustee to two (2) consecutive terms, after which each must be off the board for 12 months before reappointment.
173.340(2), 173.490(1), 173.730(1) ..... Determines that a trustee has automatically resigned upon missing his/her fourth regular monthly meeting within one year of the term

173.340(2), 173.490(2), 173.730(2) ..... Establishes method of filling unexpired vacancy

173.340(4), 173.490(3), 173.730 (3) ..... Establishes method for removing a trustee from office - refers readers to KRS 65.007

173.500, 173.735 ......................... Determines legal name of public library district board

173.500, 173.735 ......................... Names officers of the board (president, secretary, treasure, and others deemed necessary) and sets their term as officers at two (2) years

173.350(1), 173.500, 173.735 ............ Requires the board to meet on a regular schedule once each month

173.500, 173.735 ......................... Defines a quorum as a majority of the board (three trustees)

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

173.340(3), 173.510, 173.740 ............. Nepotism; Prohibits the hiring of relatives (no closer than a second cousin) of trustees

173.340(3), 173.510, 173.740 ............. Conflict of interest; Prohibits trustees from selling goods or services to the library

173.520(1), 173.745 (1) ................. Determines board responsibility in providing library services

173.330, 173.520(1), 173.745(1) ...... Allows for contractual agreements for library service

173.330, 173.520(1), 173.745(1) ...... Defines the role of KDLA in establishing library service

173.350(2)(3), 173.520(2), 173.745(2) ... Defines what a board can and cannot do in relation to: lawsuits, property, constructing buildings, accepting gifts of real or personal property, indebtedness (including limits a board may borrow at 50% of anticipated revenue for the fiscal years in which it is borrowed), establishing by-laws & policies

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

173.350(2), 173.530, 173.750 .......... Establishes that the board shall hire a library director and such other staff as recommended

173.350(2), 173.530, 173.750 .......... Requires that staff be certified in compliance with certification laws and regulations

173.360(2), 173.540(1), 173.755 (1) ... Determines that the treasurer has custody of library funds and disburse them on itemized vouchers signed by the secretary and the president
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

173.360(2), 173.540(5), 173.755 (5) ... Requires the treasurer to be bonded in the amount set by the board

173.550, 173.760 ......................... Requires that all financial records for the library be available for inspection by the auditor of public accounts

173.065, 173.560, 173.765 .............. Determines the fiscal year is from July 1 to June 30

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. It also specifies that the Annual Report must contain:

- an itemized statement of revenue received
- an itemized statement of expenditures
- a statement of property acquired
- a statement about the library service furnished
- any other statistics or information requested by KDLA

173.580(1), 173.775 (1) ................. Allows board to hire an attorney

173.580(2), 173.775 (2) ................. Allows board to set salary of attorney

173.080, 173.600, 173.785 .............. Allows board to issue revenue bonds

173.610(1) ................................ Establishes the method by which the ad valorem tax may be raised or lowered - 100 qualified voters sign petition to put on ballot for a general election. Also allows for tax rate change using 173.790 for libraries created before July 13, 1984.

173.107, 173.790 (1) .................... Establishes the method by which the ad valorem tax may be raised or lowered by petition - 51% of number voting in last general election must sign petition; all signatories must be registered voters; signatures may be collected for 90 days only; all signatures must be accompanied by address of petitioner and date of signing

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 make it invalid (interference with contractual obligations or indebtedness, less than three years since last petition)

173.610, 173.795 ....................... Allows for annexation of contiguous counties

173.395(2), 173.630, 173.800 ........ Establishes methods for dissolving a taxing district by petition

**KAR of particular interest to Libraries:**

KY Administrative Regulations are listed by title and are available online in PDF format at: [http://www.lrc.ky.gov/kar/titles.htm](http://www.lrc.ky.gov/kar/titles.htm).

**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