

LIBRARY AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

This act modifies provisions related to county libraries by modifying the duties of the library board of directors. The act provides that the library board shall make library rules in a manner consistent with county ordinances and policies. The act shifts the trusteeship of donations for the benefit of a library from the library board to the county.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

9-7-504, as last amended by Chapter 227, Laws of Utah 1993

9-7-505, as renumbered and amended by Chapter 241, Laws of Utah 1992

9-7-507, as renumbered and amended by Chapter 241, Laws of Utah 1992

9-7-508, as renumbered and amended by Chapter 241, Laws of Utah 1992

9-7-509, as renumbered and amended by Chapter 241, Laws of Utah 1992

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **9-7-504** is amended to read:

9-7-504. Library board duties -- Library fund deposits.

(1) The library board of directors [~~may~~] shall, with the approval of the county [~~legislative body~~] executive and in accordance with county ordinances, policies, and procedures:

(a) [~~have control of~~] be responsible for:

(i) the expenditure of the library fund[~~;~~];

(ii) the construction, lease, or sale of library buildings and land[~~;~~]; and [~~of~~]

(iii) the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, [~~erect~~] construct, or sell buildings, for the benefit of the library.

(2) The board [~~shall~~] has those powers and duties as prescribed by county ordinance, including, but not limited to, establishing policies for collections and information resources

that are consistent with state and federal law.

~~[(a) maintain and care for the library;]~~

~~[(b) establish policies for its operation; and]~~

~~[(c) in general, carry out the spirit and intent of the provisions of this part.]~~

(3) (a) All tax moneys received for the library shall be deposited in the county treasury to the credit of the library fund, and may not be used for any purpose except that of the county library. ~~[These funds shall be drawn upon by the authorized officers of the county upon presentation of the properly authenticated vouchers of the library board.]~~

(b) All moneys collected by the library shall be deposited to the credit of the library fund.

Section 2. Section **9-7-505** is amended to read:

9-7-505. Rules -- Use of library.

(1) The ~~[library]~~ board ~~[of directors]~~ shall make ~~[-, amend, and revoke rules, not inconsistent with law,]~~ library rules in a manner consistent with county ordinances, policies, and procedures for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the area taxed for the support of the library, subject to the rules ~~[adopted by the board. The board may exclude from the use of the library any person who willfully violates these rules. The board may extend the privileges and use of the library to persons residing outside of the area upon terms and conditions it may prescribe by rule]~~ made as prescribed by county ordinance.

Section 3. Section **9-7-507** is amended to read:

9-7-507. Librarian and other personnel.

(1) (a) The library board of directors shall ~~[appoint]~~ recommend to the county executive for appointment a competent person to serve as librarian ~~[to have immediate charge of the library with those duties and compensation for services that it determines].~~

(b) The county executive shall, within 30 days of the recommendation, either make the appointment or request that the board submit another recommendation.

(c) The librarian shall be an employee of the county subject to the personnel policies, procedures, and compensation plans approved by the county executive and county legislative

body.

(d) The librarian shall act as the executive officer for the library board.

~~[(2) The board shall appoint, upon the recommendation of the librarian, other personnel as needed.]~~

(2) (a) All library personnel are employees of the county.

(b) The librarian or the librarian's designee shall hire library personnel in accordance with the county merit system, personnel policies and procedures, and compensation plans approved by the county executive and county legislative body.

(3) As used in this section "librarian" means the county library director.

Section 4. Section **9-7-508** is amended to read:

9-7-508. Donations of money or property.

~~[Any]~~ (1) A person desiring to make ~~[donations]~~ a donation of money, personal property, or real estate for the benefit of ~~[any]~~ a library ~~[shall have]~~ has the right to vest the title to the money, personal property, or real estate in the ~~[board of directors]~~ county, designated for the benefit and purposes of the library.

(2) The ~~[donation]~~ county shall ~~[be held and controlled by the board, when accepted,]~~ hold donated personal property and real estate as prescribed by county ordinance according to the terms of the deed, gift, devise, or bequest of the property, and the ~~[board]~~ county shall be ~~[held and considered to be trustees]~~ the trustee of the property.

Section 5. Section **9-7-509** is amended to read:

9-7-509. Entities may cooperate, merge, or consolidate in providing library services.

Boards of directors of city libraries, boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate~~[-merge, or consolidate]~~ in providing library services or merge or consolidate under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.