

Senator Michael G. Waddoups proposes the following substitute bill:

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~~[-of]~~;

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

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



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

28 (2) The board [~~shall:~~] has those powers and duties as prescribed by county ordinance,

29 § [including establishing policies for collections and information resources, which may not be

30 ~~inconsistent with county ordinances, policies, and procedures.] INCLUDING, BUT NOT LIMITED TO,~~

30a ESTABLISHING POLICIES FOR COLLECTIONS AND INFORMATION RESOURCES THAT ARE

30b CONSISTENT WITH STATE AND FEDERAL LAW. §

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

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

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

34 (3) (a) All tax moneys received for the library shall be deposited in the county treasury

35 to the credit of the library fund, and may not be used for any purpose except that of the county

36 library. [~~These funds shall be drawn upon by the authorized officers of the county upon~~

37 ~~presentation of the properly authenticated vouchers of the library board.]~~

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

39 fund.

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

41 **9-7-505. Rules -- Use of library.**

42 (1) The [~~library~~] board [~~of directors~~] shall make[~~-, amend, and revoke rules, not~~

43 ~~inconsistent with law;]~~ library rules in a manner consistent with county ordinances, policies,

44 and procedures for the governing of the library.

45 (2) Each library established under this part shall be free to the use of the inhabitants of

46 the area taxed for the support of the library, subject to the rules [~~adopted by the board. The~~

47 ~~board may exclude from the use of the library any person who willfully violates these rules.~~

48 ~~The board may extend the privileges and use of the library to persons residing outside of the~~

49 ~~area upon terms and conditions it may prescribe by rule]~~ made as prescribed by county

50 ordinance.

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

52 **9-7-507. Librarian and other personnel.**

53 (1) (a) The library board of directors shall [~~appoint~~] recommend to the county

54 executive for appointment a competent person to serve as librarian [~~to have immediate charge~~

55 ~~of the library with those duties and compensation for services that it determines].~~

56 (b) The county executive shall, within 30 days of the recommendation, either make the

57 appointment or request that the board submit another recommendation.

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

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

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

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

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

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

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

70 **9-7-508. Donations of money or property.**

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

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

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

80 **9-7-509. Entities may cooperate, merge, or consolidate in providing library**
81 **services.**

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

Fiscal Note

Library Amendments

06-Feb-03

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3:20 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst