

1 **LIBRARY AMENDMENTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

5 **This act modifies provisions related to county libraries by making the library board of**  
6 **directors an advisory body and restructuring its duties. This act shifts the trusteeship of**  
7 **donations for the benefit of a library from the library board to the county legislative**  
8 **body.**

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

10 AMENDS:

11 **9-7-504**, as last amended by Chapter 227, Laws of Utah 1993

12 **9-7-505**, as renumbered and amended by Chapter 241, Laws of Utah 1992

13 **9-7-507**, as renumbered and amended by Chapter 241, Laws of Utah 1992

14 **9-7-508**, as renumbered and amended by Chapter 241, Laws of Utah 1992

15 **9-7-509**, as renumbered and amended by Chapter 241, Laws of Utah 1992

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

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

18 **9-7-504. Advisory board duties -- Library fund deposits.**

19 (1) The library board of directors [~~may, with the approval of~~] is an advisory body and  
20 shall advise the county legislative body on:

21 (a) [~~have control of~~] the expenditure of the library fund, [~~of~~] the construction, lease, or  
22 sale of library buildings and land, and [~~of~~] the operation and care of the library; and

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

25 (2) The board shall recommend:

26 (a) [~~maintain~~] plans for maintenance and care [~~for~~] of the library; and

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



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

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

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

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

36 **9-7-505. Rules -- Use of library.**

37 (1) The library board of directors shall ~~[make, amend, and revoke]~~ draft and  
38 recommend for approval to the county legislative body rules, not inconsistent with [law] Title  
39 63, Chapter 46a, Utah Administrative Rulemaking Act, for the governing of the library.

40 (2) (a) Each library established under this part shall be free to the use of the inhabitants  
41 of the area taxed for the support of the library, subject to the rules adopted by the ~~[board]~~  
42 county legislative body.

43 (b) The ~~[board]~~ librarian may exclude from the use of the library any person who  
44 willfully violates these rules.

45 (c) The ~~[board]~~ librarian may extend the privileges and use of the library to persons  
46 residing outside of the area upon terms and conditions ~~[it may prescribe by rule]~~ set by the  
47 librarian.

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

49 **9-7-507. Librarian and other personnel.**

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

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

55 (c) The librarian's compensation shall be set in accordance with the county's  
56 compensation policy.

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

58 ~~[(2) The board shall appoint, upon the recommendation of the librarian, other~~

59 ~~personnel as needed.]~~

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

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

64 **9-7-508. Donations of money or property.**

65 ~~[Any]~~ (1) A person desiring to make ~~[donations]~~ a donation of money, personal  
 66 property, or real estate for the benefit of ~~[any]~~ a library ~~[shall have]~~ has the right to vest the title  
 67 to the money, personal property, or real estate in the ~~[board of directors]~~ county legislative  
 68 body solely for the library fund.

69 (2) The [donation] county legislative body shall [be held and controlled by the board,  
 70 when accepted,] hold and control the donation according to the terms of the deed, gift, devise,  
 71 or bequest of the property, and ~~[the board]~~ shall be ~~[held and considered to be trustees]~~ the  
 72 trustee of the property.

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

74 **9-7-509. Entities may cooperate, merge, or consolidate in providing library**  
 75 **services.**

76 ~~[Boards of directors of city libraries, boards of directors of county libraries,]~~ Cities,  
 77 counties, boards of education, governing boards of other educational institutions, library  
 78 agencies, and local political subdivisions may cooperate, merge, or consolidate in providing  
 79 library services.

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### Legislative Review Note

as of 11-13-02 11:05 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0087**

**Library Amendments**

*20-Jan-03*

*2:13 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**