

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 747

BY: LONG (Ed) of the SENATE

and

WIDENER of the HOUSE

AS INTRODUCED

AN ACT RELATING TO LIBRARIES; CREATING THE OKLAHOMA

LOCAL LIBRARY SUPPORT REVOLVING FUND; PROVIDING FOR
RECEIPT AND EXPENDITURES OF MONIES IN SUCH FUND;
STATING PURPOSES OF FUND; PROVIDING PROCEDURES;
AMENDING 65 O.S. 1991, SECTIONS 2-106 AND 554,
WHICH RELATE TO THE POWERS AND DUTIES OF THE
OKLAHOMA DEPARTMENT OF LIBRARIES BOARD AND
METROPOLITAN LIBRARY COMMISSIONS; ADDING TO AND
MODIFYING CERTAIN POWERS AND DUTIES; PROVIDING FOR
APPLICATIONS FOR PARTICIPATION IN THE OKLAHOMA
LOCAL LIBRARY SUPPORT REVOLVING FUND; PROVIDING FOR
INITIATION OF, PROCEDURES RELATED TO, AND
SPECIFICATIONS FOR SUCH APPLICATIONS; SPECIFYING
CONTENTS OF CERTAIN FIVE-YEAR PLANS FOR LIBRARY
DEVELOPMENT; REQUIRING CERTAIN COUNTY COMMISSIONERS
TO APPOINT PUBLIC LIBRARY BOARDS; PROVIDING FOR
TERMS, TENURE, REMOVAL, QUALIFICATIONS, AND
REIMBURSEMENT OF PUBLIC LIBRARY BOARD MEMBERS;
PROVIDING FOR TERMINATION OF THE BOARD UNDER
CERTAIN CIRCUMSTANCES; PROVIDING FOR POWERS AND
DUTIES OF SUCH BOARD; MODIFYING APPOINTING
AUTHORITY TO METROPOLITAN LIBRARY COMMISSIONS;

PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE
DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-107 of Title 65, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Libraries, to be designated the "Oklahoma Local Library Support Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Libraries from state appropriations designated specifically for deposit in this fund for purposes as specified in this act and from any other sources provided for by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Libraries for the purpose of providing convenient library service or access to library service for all citizens of Oklahoma. In administering the fund the Department of Libraries shall encourage existing public libraries to cooperatively share library resources by:

1. Extending or establishing public library services in unserved county areas or contracting for services with existing Oklahoma Department of Libraries certified municipal public libraries, other certified public libraries, library districts, or library systems; and

2. Strengthening existing Oklahoma Department of Libraries certified municipal public libraries, other certified public libraries, library districts, and library systems.

The Oklahoma Department of Libraries Board shall establish a formula for the equitable apportionment of monies to counties applying and qualifying for such funds pursuant to the provisions of this act.

Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 2. AMENDATORY 65 O.S. 1991, Section 2-106, is amended to read as follows:

Section 2-106. The Oklahoma Department of Libraries Board shall be the supervisory and policymaking body of the Department and shall:

(a) Appoint the Director, who shall possess the qualifications specified by Section 3-103 of this title, and shall hold office at the pleasure of the Board;

(b) Formulate the general policies of the Oklahoma Department of Libraries, in consultation with the Director;

(c) Review and approve the budget requests for the Department;

(d) Formulate standards for public and special libraries in consultation with the Director and his staff, and with ~~the Oklahoma Council on Libraries and~~ the Oklahoma Library Association;

(e) Utilize such standards as guidelines in accreditation of public libraries and library systems, ~~provided public libraries, other than those in a library system, shall be accredited only when requests for that purpose are made by resolutions of the elected city, town, or county governing bodies appropriating funds for their operation; provided further that any metropolitan or city-county library system may be accredited when requests for that purpose are made by resolution of its governing board;~~

(f) Utilize such standards and accreditation as guidelines in approval of apportionment of state funds of federal funds such as

may be administered by a state agency to public libraries, library systems and special libraries and their use of such funds;

(g) Serve as an appeal board in the execution of Title II, U.S. Public Law 88-269, including any amendments thereto, and any similar federal legislative acts requiring such services;

(h) Approve the formation of library systems and designate areas for library districts;

(i) Maintain liaison with ~~The Oklahoma Council on Libraries and~~ the Oklahoma Library Association;

(j) Assist in communicating the goals, plans, budgets and work of the Department to executive, judicial and legislative officials, and to the public; ~~and~~

(k) Establish a formula for the equitable apportionment of monies from the Oklahoma Local Library Support Revolving Fund;

(l) Provide for the certification of public librarians; and

(m) ~~Adopt~~ Promulgate such rules ~~and regulations~~ as may be necessary to carry out the intent and purposes of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-108 of Title 65, unless there is created a duplication in numbering, reads as follows:

A. Applications for participation in the Oklahoma Local Library Support Revolving Fund shall be submitted to the Oklahoma Department of Libraries for approval or disapproval by the Oklahoma Department of Libraries Board pursuant to rules and regulations promulgated by the Oklahoma Department of Libraries Board. The applications shall be initiated by:

1. The boards of county commissioners in the respective counties either without public library service or without existing countywide public library service;

2. The board of county commissioners in the respective counties upon petition initiated by not less than ten percent (10%) of the qualified electors of the county based on the total number of votes

cast at the last general election for the county office receiving the highest number of votes at such election;

3. The district or system library boards or commissions in the respective counties with library districts or library systems providing countywide library service; or

4. A joint application from all or a majority of the Oklahoma Department of Libraries certified municipal public libraries in a respective county joined together to apply for and to administer the expenditure of funds from the Oklahoma Local Library Support Revolving Fund and any other funds granted or donated for the purpose of county library services.

B. The application shall include a five-year plan for library development for extending, initiating and/or strengthening public library service in the respective county. The application shall include for the initial or next funding year, a detailed, line-item budget and descriptive program for the Oklahoma Local Library Support Revolving Fund appropriation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-109 of Title 65, unless there is created a duplication in numbering, reads as follows:

A. The five-year plan for library development required pursuant to Section 3 of this act may address proposals to:

1. Seek financing for additional levels or types of library services and/or contracting with existing Oklahoma Department of Libraries certified public libraries for:

- a. free access and service by all county residents,
- b. specific services such as bookmobile or book deposits/book centers,
- c. access to information services through telecommunications,
- d. surveys or studies of countywide library needs,
- e. leased or permanent facilities, and

f. any other services as mandated by the Oklahoma Department of Libraries;

2. Hold an election seeking a countywide mill levy for support. Such plans shall be based on the needs, analysis and desires of the respective counties or existing library districts or library systems;

3. Include the utilization of technological equipment and telecommunications access consistent with Sections 55 and 56 of Title 65 of the Oklahoma Statutes; and

4. Provide for any other services as mandated by the Oklahoma Department of Libraries.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-115 of Title 65, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in this section, the board of county commissioners, in counties which do not have countywide library services as determined by the Oklahoma Department of Libraries, shall appoint a public library board consisting of not less than five nor more than seven members. There shall be at least one member appointed from each of the county commissioner districts. Additional members shall be appointed as follows:

1. One member appointed by the municipal governing board of the county seat; or

2. If the county seat is not the municipality having the largest population, then one member to be appointed by the municipal governing board of the municipality having the largest population. Initial appointments shall be distributed among one-, two- and three-year terms, with two of the appointments to be made for one year, two to be made for two (2) years and three to be made for three (3) years. Subsequent appointments shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the board, which appointment shall be for the

remainder of the unexpired term of the member when death, resignation or removal has created the vacancy. No person shall serve more than two (2) successive terms or be appointed for another full term or temporary term until at least two (2) years have elapsed from the end of the second successive term until the beginning of the new term. All tenure of initial and future appointees shall expire on June 30 of the designated year. A member of a board once qualified can thereafter be removed by the appointive authority during his or her term of office only for misconduct or neglect of duty.

Appointments to the board shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of public libraries and an active interest in the attainment of these comprehensive goals. Appointive members shall be qualified electors and bona fide residents of the county.

All board members shall serve thereon without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act. Individual memberships for board members in state, regional, and national library associations and expenses incurred in attending conferences of these associations, board meetings and other library and library-related meetings may be paid from library funds upon proper authorization of the board.

If a multicounty library system is formed on or after July 1, 1992, which includes a county with a public library board and provides countywide service to the county, the public library board appointed pursuant to this section shall be terminated. All powers, duties and responsibilities of the public library board shall be transferred to the Board of Trustees of the multicounty library system.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-116 of Title 65, unless there is created a duplication in numbering, reads as follows:

The county public library board shall have the following powers and duties:

(a) To operate and maintain a county library system and to promulgate such rules for the operation and maintenance thereof as may be deemed necessary or expedient;

(b) To employ a director who shall have the authority to employ necessary staff and to terminate the employment of such staff upon approval of the board;

(c) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes;

(d) To erect, maintain, and operate public library buildings at one or more places in the county;

(e) To accept transfer of any existing public library or libraries by lease or other conveyance;

(f) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles;

(g) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the county public library board finds that said property is not needed for library purposes;

(h) To accept, hold, and convey legal title to interests in real property in the name "County Public Library Board of _____ County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the board by the chairperson and shall be attested by the secretary;

(i) To accept or in its discretion to decline donations tendered to the county library system;

(j) To apply for funds from the Oklahoma Local Library Support Revolving Fund and provide any information requested by the Oklahoma Department of Libraries in order to qualify and receive such funds;

(k) To administer the expenditure of any funds which become available for library purposes from the Oklahoma Local Library Support Revolving Fund and any other funds granted or donated to the county public library;

(l) To borrow on the credit of the county public library board for a period of time not to exceed one year; and

(m) To do all other things necessary or desirable to carry out the purposes and provisions of this act.

SECTION 7. AMENDATORY 65 O.S. 1991, Section 554, is amended to read as follows:

Section 554. A. In all cities with a population of four hundred thousand (400,000) or less, according to the latest Federal Decennial Census, the metropolitan library commission shall consist of eleven (11) members. Six of the members shall be appointed by the mayor of the county seat city, subject to approval of the governing body thereof. Three of the members shall be appointed by the board of county commissioners. The mayor of the county seat city and the chairman of the board of county commissioners shall be ex officio members of the commission and shall be entitled to vote on all matters. The initial appointments by the city shall designate two members to serve a term of three (3) years, two members to serve a term of two (2) years, and two members to serve a term of one (1) year. The initial appointments by the county shall designate one member to serve a term of three (3) years, one member to serve a term of two (2) years, and one member to serve a term of one (1) year. The terms of such initial appointees and the terms of all future appointees of both the city and county shall expire July 31 of the year the term expires, regardless of the calendar date when such appointments are made. Subsequent appointments of either the city or the county shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the commission, which latter appointment shall be for the balance of the

unexpired term of the member whose death, resignation, or removal has created the vacancy. A member of this commission, once qualified, can be removed during his term of office only for misconduct or neglect of duty and, if he requests a hearing before the governing body by which he was appointed, after such hearing has been held. All members of the commission shall serve without compensation and shall serve until their successors are appointed and confirmed. The librarian provided for in Section 556 of this title shall be the secretary of the metropolitan library commission and shall be a nonvoting member of the commission.

B. ~~Beginning August 1, 1982, in~~ In all cities with a population of four hundred thousand (400,000) or more, according to the latest Federal Decennial Census, the metropolitan library commission shall consist of nineteen (19) members. Ten of the members shall be appointed by the mayor of the county seat city, subject to approval of the governing body thereof. One of the members shall be appointed by the board of county commissioners. The mayors of ~~Midwest City, Oklahoma, Del City, Oklahoma, Edmond, Oklahoma, The Village, Oklahoma, Warr Acres, Oklahoma, and Bethany, Oklahoma~~ the six (6) most populated municipalities following the city containing a population of four hundred thousand (400,000) or more, according to the latest Federal Decennial Census, subject to the approval of the governing bodies thereof, shall each appoint one member to the commission. Of the initial appointments, the cities having larger populations according to the latest Federal Decennial Census shall appoint members for the longer terms provided in this section. The mayor of the county seat city and the chairman of the board of county commissioners shall be ex officio members of the commission and shall be entitled to vote on all matters. The terms of all members serving on the commission on July 1, 1982, shall expire July 31, 1982. All new appointees shall begin their term of office effective August 1, 1982. Of the new appointments by the county

seat city, two members shall serve a term of three (3) years, three members shall serve a term of two (2) years, and five members shall serve a term of one (1) year. The new appointment by the board of county commissioners shall serve a term of three (3) years. Of the new appointments by the mayors of the ~~six-named~~ six cities provided for in this subsection, two members shall serve a term of three (3) years, two members shall serve a term of two (2) years, and two members shall serve a term of one (1) year. The terms of such new appointees and the terms of all future appointees of both the county seat city, the ~~six-named~~ six cities provided for in this subsection and the county shall expire July 31 of the year the term expires, regardless of the calendar date when such appointments are made. Subsequent appointments by either the county seat city, the mayors of the ~~six-named~~ six cities provided for in this subsection or the county shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the commission, which latter appointment shall be for the balance of the unexpired term of the member whose death, resignation or removal has created the vacancy. A member of this commission, once qualified, can be removed during his term of office only for misconduct or neglect of duty and, if he requests a hearing before the governing body by which he was appointed, after such hearing has been held. All members of the commission shall serve without compensation and shall serve until their successors are appointed and confirmed. The librarian provided for in Section 556 of this title shall be the secretary of the metropolitan library commission and shall be a nonvoting member of the commission.

SECTION 8. This act shall become effective July 1, 1992.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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