

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 748

BY: LONG (Ed) of the SENATE

and

WIDENER of the HOUSE

AS INTRODUCED

AN ACT RELATING TO PUBLIC LIBRARIES; AMENDING 65 O.S. 1991, SECTIONS 1-104, 2-105, 2-106, 3-103, 3-113.3, 3-118, 4-101, 4-102, 4-103, 4-104, 4-105, 4-106, 151, 153, 156, 157, 159, 160, 552, 554 AND 555, WHICH RELATE TO LIBRARY DEFINITIONS, OKLAHOMA DEPARTMENT OF LIBRARIES BOARD PROCEDURES, POWERS AND DUTIES OF THE BOARD, CERTAIN OFFICES OF THE OKLAHOMA DEPARTMENT OF LIBRARIES, DUTIES OF THE PUBLICATIONS CLEARINGHOUSE, PUBLIC LAND SURVEY CORNER PERPETUATION AND FILING; ESTABLISHMENT OF MULTICOUNTY LIBRARY SYSTEMS, GOVERNING BOARDS AND PERSONNEL OF MULTICOUNTY LIBRARY SYSTEMS, ESTABLISHMENT OF CITY-COUNTY LIBRARIES, PERSONNEL AND BUDGET OF CITY-COUNTY LIBRARIES, RETIREMENT OF CITY-COUNTY LIBRARIES PERSONNEL, ESTABLISHMENT OF METROPOLITAN LIBRARIES, AND METROPOLITAN LIBRARY COMMISSIONS; DEFINING TERMS; CHANGING LIBRARY ACCREDITATION PROCEDURES; PROVIDING FOR CERTIFICATION OF PUBLIC LIBRARIANS; CHANGING PROCEDURES FOR ESTABLISHING MULTICOUNTY LIBRARY SYSTEMS; CHANGING CONDITIONS FOR FUNDING GRANTS FROM DEPARTMENT OF PUBLIC LIBRARIES TO MULTICOUNTY LIBRARY SYSTEMS; REMOVING CERTAIN REQUIREMENTS OF

MEMBERS OF BOARD OF TRUSTEES FOR MULTICOUNTY LIBRARY SYSTEM; REMOVING CERTAIN REQUIREMENTS RELATING TO TRAVEL BY CERTAIN MULTICOUNTY LIBRARY SYSTEMS PERSONNEL; AUTHORIZING MEMBERS OF BOARD OF TRUSTEES FOR MULTICOUNTY LIBRARY SYSTEM TO INCUR DEBT; REQUIRING BUDGETS OF MULTICOUNTY LIBRARY SYSTEMS TO BE FILED WITH CERTAIN BOARDS AND OFFICES; REMOVING REQUIREMENT THAT APPOINTMENT AND COMPENSATION OF CITY-COUNTY LIBRARY PERSONNEL BE APPROVED BY CERTAIN BOARDS; REMOVING REQUIREMENT THAT CITY-COUNTY LIBRARY BUDGET BE APPROVED BY CERTAIN BOARDS; ALLOWING CITY-COUNTY LIBRARY SYSTEM EMPLOYEES TO PARTICIPATE IN STATE RETIREMENT SYSTEM; AUTHORIZING CITY-COUNTY LIBRARY COMMISSION TO PROVIDE RETIREMENT BENEFITS FOR CITY-COUNTY LIBRARY EMPLOYEES THROUGH CERTAIN MEANS; CHANGING POPULATION REQUIREMENTS RELATING TO CITY-COUNTY LIBRARIES; CHANGING COMPOSITION OF CERTAIN LIBRARY COMMISSIONS; MAKING CERTAIN PROVISIONS INAPPLICABLE TO CERTAIN LIBRARY SYSTEMS; DELETING TERM LIMIT OF CHAIR OF METROPOLITAN LIBRARY COMMISSION; DELETING OBSOLETE LANGUAGE; REPEALING 65 O.S. 1991, SECTIONS 2-101.1, 4-108, 4-109, 4-110, 61, 81, 82, 83 AND 181, WHICH RELATE TO THE JAN ERIC CARTWRIGHT MEMORIAL COMMITTEE, EFFECT OF STATUTORY CHANGE ON FUTURE AND EXISTING LIBRARIES, BOARD OF TRUSTEES OF METROPOLITAN LIBRARY SYSTEMS, FUNDING FOR LIBRARIES, POWER OF COUNTY EXCISE BOARD TO LEVY AD VALOREM TAX TO SUPPORT COUNTY LIBRARY, JOINT CITY AND COUNTY LIBRARIES, AND INSURANCE ON LIBRARY VEHICLES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 65 O.S. 1991, Section 1-104, is amended to read as follows:

Section 1-104. When used in this Code unless the context otherwise requires:

(a) The term "library system" shall mean a unified public library organization under single direction in an area of not less than one county.

(b) The term "public library" shall mean a library or library system that is freely open to all persons under identical conditions, and which is supported in whole or in part by public funds.

(c) The term "metropolitan library" shall mean a library system which is the public library for a county in which is located a city of at least two hundred fifty thousand (250,000) population.

(d) The term "multicounty library" shall mean a library system which is the public library for a library district composed of two or more counties.

(e) The term "special library" shall mean any library, whether open to the general public or not, that is supported in whole or in part by public funds and which comes within one or more of the following categories:

(1) All libraries which are operated within or as an integral part of a publicly supported institution.

(2) All libraries that cater to a special clientele.

(3) All libraries that are concerned primarily with materials on a special subject.

Provided, however, that this definition shall not be construed to include libraries operated as a part of any university, college, school, museum, the Oklahoma Historical Society and county law libraries.

(f) The word "library" shall mean the contents as well as the building, equipment and facilities of the institution.

(g) The word "Department" shall mean the Oklahoma Department of Libraries, which shall be the official library and archival agency of the state.

(h) The word "Board" shall mean the Oklahoma Department of Libraries Board.

(i) The word "standards" shall mean the criteria pertaining to the scope and quality of library facilities, levels of financial support, adequacy and qualifications of personnel, organization and resources for service, areas of service and population to be served, and other factors deemed necessary to insure proper, economical and effective use of funds and resources in providing library facilities and services.

(j) The term "accreditation of libraries" shall mean the evaluation and rating of public libraries and library systems.

(k) The word "Director" shall mean the Director of the Department who shall be the State Librarian and the State Archivist.

(l) The term "county library" means a public library established, supported, and maintained by county taxation.

(m) The term "municipal library" means a public library established, supported, and maintained through taxation by a city or town whose library board of trustees is appointed pursuant to municipal authority.

(n) The term "city-county library" means a library system which consists of a public library for a county in which the population is at least 100,000.

SECTION 2. AMENDATORY 65 O.S. 1991, Section 2-105, is amended to read as follows:

Section 2-105. The Board shall meet at least once every three-month period. Additional meetings may be held upon call of the chairman, vice-chairman, in the absence of the chairman, or the secretary. Four voting members of the Board shall constitute a quorum. No question before the Board shall be resolved without the concurrence of at least four members or a majority of those members voting, whichever is the greater. ~~Whenever circumstances require an immediate decision by the Board in the course of intervals between Board meetings, the secretary may request the decision by mail or telegraph. The votes on these decisions must be unanimous. The question and the vote on it shall be entered in minutes of the next meeting of the Board.~~

SECTION 3. 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, 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 or 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~~ the Library Services Construction Act, 20 U.S.C. Section 351(1991), 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) Provide for the certification of public librarians; and

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

SECTION 4. AMENDATORY 65 O.S. 1991, Section 3-103, is amended to read as follows:

Section 3-103. The offices of Director and Assistant Director are hereby created. The Director shall be appointed by the Board on the basis of merit and appropriate experience, shall possess a library degree from a library school accredited by the American Library Association and shall serve at the pleasure of the Board. ~~Upon entering upon the duties of the office, the Director shall file an official bond with the Secretary of State as provided by 74 O.S.1961, Sections 601 - 605, as amended, in the sum of Fifteen~~

~~Thousand Dollars (\$15,000.00) for the safekeeping of library property in his care.~~ The Assistant Director shall be appointed by the Director, with the approval of the Board, and shall be subject to the same qualifications as herein specified for the Director. The Director shall be the State Librarian and the State Archivist, which offices are hereby created.

SECTION 5. AMENDATORY 65 O.S. 1991, Section 3-113.3, is amended to read as follows:

Section 3-113.3 The Publications Clearinghouse shall have the following duties:

1. To establish a state publications depository library system for the use of the citizens of this state; and
2. To collect state publications from every agency and to retain and preserve permanently a minimum of two copies of said publications; and
3. To enter into contracts with other libraries within this state whereby the Publications Clearinghouse designates the contracting library to be a depository library for the Oklahoma Department of Libraries and agrees to distribute copies of state publications deposited with the Publications Clearinghouse to said depository library, and the contracting library agrees to receive and maintain the collection of said publications and not to dispose of said publications without prior approval of the Publications Clearinghouse, to provide adequate facilities for the storage and use of the publications, and to provide free access to the publications for the use of its patrons; and
4. To determine the necessity of and to make arrangements for the conversion of state publications to microform and to establish a system to assure the availability of said microform for distribution to designated depository libraries; and

5. To prepare and publish official lists of state publications and to distribute said lists to all contracting depository libraries, other libraries within this state, and every agency; and

6. To determine the quantity of each publication of an agency to a maximum of twenty-five copies required to meet the needs of the state publications depository library system and to notify each agency of the required quantity; and

7. To distribute copies of state publications as follows:

a. One copy to the United States Library of Congress,

b. ~~One copy to the Center for Research Libraries,~~

~~e.~~ Two copies for the collection of state publications within the Publications Clearinghouse, and

~~d.~~ c. Selected copies to each depository library; and

8. To receive for use and for exchange purposes a maximum of fifty copies of all state legal publications including bar journals and official reports of decisions, codes, opinions, rules and regulations, and one hundred ten copies of Oklahoma Statutes, Oklahoma Statute Supplements, and Oklahoma Session Laws; and

9. To compile and maintain a permanent record of state publications.

SECTION 6. AMENDATORY 65 O.S. 1991, Section 3-118, is amended to read as follows:

Section 3-118. As used in this act:

1. "Property corner" means a geographic point on the surface of the earth, and is on, a part of, and controls a property line;

2. "Property controlling corner" means a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question;

3. "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as

a basis of legal description for issuing a patent for the land to a private person from the United States government;

4. "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects;

5. "Monument" means a physical structure that occupies the exact position of a corner;

6. "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner;

7. "Surveyor" means any person who is authorized by the laws of this state to practice land surveying;

8. "Board" means the State Board of Registration for Professional Engineers and Land Surveyors; and

9. "Division" means the Office of Archives and Records ~~Division~~ of the Oklahoma Department of Libraries.

SECTION 7. AMENDATORY 65 O.S. 1991, Section 4-101, is amended to read as follows:

Section 4-101. Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public ~~library systems~~ libraries to serve multicounty ~~districts~~ systems, and to appropriate and allocate funds for the support of such systems. Such systems shall provide equitable library services to all persons in the district.

To insure the effective development of library service in all rural and urban areas, the creation and organization of library systems and the district to be served shall be subject to approval by the Oklahoma Department of Libraries Board in accordance with the provisions of Article X, Section 10A of the Oklahoma Constitution.

After establishment, library systems shall be subject to accreditation by the Oklahoma Department of Libraries Board.

Parts of an adjacent county may be added to or included in multicounty systems if these additions are determined by agreement of the system board, the petitioning parties, and the Oklahoma Department of Libraries Board to be the most feasible way to provide public library services to such part of a county.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under this and other Oklahoma Statutes as amended and the Oklahoma Constitution as amended are hereby authorized to be levied for support of library systems.

When any multicounty system is established under provisions of this act, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment. Existing public libraries not incorporated into the system shall have the same relationship to the system as similar public libraries outside the district have to the local system and to other systems.

SECTION 8. AMENDATORY 65 O.S. 1991, Section 4-102, is amended to read as follows:

Section 4-102. A library system may be created by resolution or ordinance approved by the boards of county commissioners ~~and~~ or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the latest U.S. Census within the proposed district, or by the county seat town if no city or town within a county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. Such resolution and ordinances shall specify the type of system to be created, the district to be served, organization of the governing board of the system, proposed financing including agreement to call for a vote of the people as necessary for special tax levies, and

shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

A library system may be created upon initiative of the county, city and town governing bodies concerned, or upon presentation of petitions to the board of county commissioners of each county signed by not less than ten (10%) percent of of the qualified electors of each county voting in the latest preceding general election. Upon receipt of such petitions, the board of county commissioners of each county shall forthwith call for a countywide vote on the proposed library system.

When approval of the proposed system is granted by the Oklahoma Department of Libraries Board, the county, city and town governing bodies shall proceed with appointment of the system board and financing.

~~After approval of the Oklahoma Department of Libraries Board for creation of the system, the county, city and town governing bodies,~~
~~or appointment of the governing board of the library system, it may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and/or may request a grant of funds for interim services before ~~approval~~ collection of special tax levies by the people of the district.~~

The boards of county commissioners and the governing bodies of cities and towns involved in creation of a library system, and the governing board of the library system, are authorized to enter into contracts and agreements by and between such governing bodies and with other such library systems, special and school and college libraries, and the Oklahoma Department of Libraries in affecting the purposes of this article and other articles of this Code.

After a system has been created, another county or counties may be added to the system by action of the governing bodies of the applicant counties and cities as provided in the procedure for establishment.

Any library system created under the provisions of this Code may be terminated, or a part thereof may withdraw and resulting special tax levies shall be discontinued only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty (20%) percent of the qualified electors voting in the latest preceding general election of the county or counties wishing to terminate or withdraw.

This provision for termination of all or a part of a library system shall not prohibit the reorganization of any system, or the transfer of part of a system to another system or the merging of systems, by act of the county, city and town governing bodies with approval of the Oklahoma Department of Libraries Board, provided that such changes do not result in termination of library service in any other area for which such service has been approved.

SECTION 9. AMENDATORY 65 O.S. 1991, Section 4-103, is amended to read as follows:

Section 4-103. (a) The Board of Trustees of a library system containing two or more counties, herein defined as a multicounty library system, shall consist of at least five (5) members. There shall be at least one member from each county appointed by the board of county commissioners. Additional members shall be appointed for each city within the system with a population of two thousand (2,000) or more, with these appointments to be made by the governing body of the city. In addition, any town with a population of at least one thousand (1,000), a distance of at least thirty (30) miles from the next nearest town having a board member, shall be entitled to a member, appointed by the governing board of such town, for a term of three (3) years. In counties with no city with a population of two thousand (2,000) or more, a member shall be appointed by the governing body of the county seat city or town. Should the board serving a multicounty unit result in fewer than five members,

additional board members shall be appointed on a proportional basis agreed upon by the county governments involved.

(b) Initial appointments shall be distributed among one-, two- and three-year terms, with one-third (1/3) of the appointments to be made for one (1) year, one-third (1/3) to be made for two (2) years and one-third (1/3) 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 system board, which appointment shall be for the remainder of the unexpired term of the member where death, resignation or removal has created the vacancy. No person shall serve more than two full successive terms. Provided that a person who previously served for two (2) successive terms or less may be reappointed if two (2) years has expired since the person's last service on the board. All tenure of initial and future appointees shall expire on June 30 of the designated year. A member of a system board once qualified can thereafter be removed by the appointive authority during his term of office only for misconduct or neglect of duty.

(c) Appointments to the system 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 counties from which they are appointed. ~~No member of the system board shall in any way be connected with the business of publishing or selling books, periodicals or other forms of library materials nor with the business of manufacturing or selling library supplies or equipment.~~

(d) All system board members shall serve thereon without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act. Individual memberships for systems 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.

SECTION 10. AMENDATORY 65 O.S. 1991, Section 4-104, is amended to read as follows:

Section 4-104. The system board shall elect a chairman, vice-chairman, and treasurer from the appointed members. The term of the officers shall be one (1) year.

The system board shall meet as often as is required to transact necessary business and all meetings shall be open to the public, ~~except for matters concerning personnel as set forth in 25 O.S. 1961, Sections 201-202~~ in compliance with the Oklahoma Open Meetings Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record.

A majority of the board membership shall constitute a quorum.

SECTION 11. AMENDATORY 65 O.S. 1991, Section 4-105, is amended to read as follows:

Section 4-105. (a) Every system board created by this Code shall have all powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others granted in this article, the following powers:

(1) To operate and maintain a library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

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

(3) To erect, maintain, and operate public library buildings at one or more places.

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

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

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

(7) To acquire, accept, hold, and convey legal title to interest in real property in the name of the system board. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the system board by the chairman and shall be attested by the secretary upon proper resolution of the Board.

(8) To accept or decline donations tendered to the library system.

(9) To administer the expenditure of any funds which may become available for library purposes.

(10) To establish a schedule of fees to cover various services rendered and also to contract with other persons, including legal counsel and independent certified public or certified municipal accounting service, within the limits of its appropriations, and to incur necessary expenses. This subsection shall not be construed to preclude the use of the appropriate district attorney or assistant district attorney for legal counsel and the State Auditor and Inspector for auditing services.

(11) To apply, contract for, receive and take advantage of any or all allocations of funds which may be available to the system board for library or library related purposes and services under the laws and regulations of the United States, the State of Oklahoma, or any other state, or any organization, agency, instrumentality or subdivision of these entities or undertake or contract for joint activities or programs with the United States, the State of Oklahoma or any other state, and any organization, agency, instrumentality, or subdivision of these entities pertaining to library or library

related purposes or services; and to prepare and submit plans, specifications, reports or applications, to execute any agreements, to employ, fix duties and compensation of personnel, and to administer and direct any programs, plans or projects in connection with any of the foregoing.

(12) To borrow monies on the credit of the Board of Trustees for a term not to exceed one (1) year.

~~(12)~~ (13) To do all other things necessary or desirable to carry out the purposes and provisions of this Code.

(b) It shall be the duty of the system board to prepare an annual budget which shall be filed on or before June 1 with the boards of county commissioners and the county excise boards, the Oklahoma Department of Libraries, State Board of Equalization, and with cities and towns which participate in financial support of the system. The system board shall also submit an annual audit of its income and expenditures within ninety (90) days following the close of the fiscal year to the boards of county commissioners, the Oklahoma Department of Libraries and with cities and towns which participate in financial support of the system.

(c) In the case of withdrawal of a county or abolishing of a library system, disposal of the assets, including capital equipment and other property of the library district, shall be made in the most equitable manner possible as determined by the Oklahoma Department of Libraries Board, who shall give consideration to such items as the original source of the property, the amount of funds raised from each county of the system, and the ability of the counties to make further use of such property or equipment for library purposes.

(d) Funds levied and collected pursuant to Article 10, Section 10-A of the Oklahoma Constitution shall be controlled and administered under the direction of the system board.

(e) Other funds contributed from federal, state, county and city governments, and from any other source shall be deposited in the independent library account following such procedures as may be agreed upon by the contributing agency, the system board, and the Oklahoma Department of Libraries Board.

(f) Vouchers shall be drawn by such officers or employees as prescribed by the system board. Each designated officer or employee shall give a faithful performance bond approved by the system board in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money which will be disbursed at any one time. Premiums for such bond may be paid from funds of the library system.

SECTION 12. AMENDATORY 65 O.S. 1991, Section 4-106, is amended to read as follows:

Section 4-106. (a) The system board shall appoint a librarian of the library system on the basis of merit and experience. Such librarian shall be a graduate of a library school accredited by the American Library Association. The librarian shall be the administrative, executive and supervisory officer of the library and secretary to the system board. The librarian shall serve at the discretion of the system board.

(b) The librarian may appoint and remove staff members and other employees, ~~subject to the approval of the system board.~~

(c) ~~The librarian and staff shall receive actual and necessary travel expenses as set forth in 74 O.S. 1961, Sections 500.5, 500.8-500.11 inclusive, or any amendments thereto, which expenses may be paid from the funds of the library system upon authorization of the board.~~

~~(d)~~ The system board may establish or participate in employee retirement and health insurance programs either for the exclusive benefit of its staff or jointly and, in conjunction with city, county, state, or other retirement systems, may expend upon

authorization of the board funds allocated by the board for such purposes.

SECTION 13. AMENDATORY 65 O.S. 1991, Section 151, is amended to read as follows:

Section 151. This act shall be known and may be cited as the ~~Oklahoma City-County Library Act~~ City-County Library Act.

SECTION 14. AMENDATORY 65 O.S. 1991, Section 153, is amended to read as follows:

Section 153. Any county of the state ~~having within its boundaries a city~~ having a population of not less than one hundred thousand (100,000) ~~population~~, according to the last or any succeeding Federal Decennial Census, is hereby authorized to avail itself of the provisions of this act and to combine its funds with the funds of ~~such a~~ a city to be expended for the purposes herein set forth. The board of county commissioners of any such county in this state is hereby authorized to contract with the governing body of ~~any such a~~ a city, as herein provided, for the establishment of a city-county library system.

SECTION 15. AMENDATORY 65 O.S. 1991, Section 156, is amended to read as follows:

Section 156. The commission shall appoint a librarian of the city-county library system on the basis of merit and experience. Such librarian shall be a graduate of a library school accredited by the American Library Association. The librarian shall serve at the discretion of the commission. The librarian may appoint and remove staff members and other employees, subject to the approval of the commission. ~~The appointment and compensation of the librarian, staff members and other employees shall all be subject to the approval of the governing body of the city and the board of county commissioners.~~

SECTION 16. AMENDATORY 65 O.S. 1991, Section 157, is amended to read as follows:

Section 157. It shall be the duty of the commission to prepare an annual budget which shall be subject to the ~~approval~~ general review of the governing body of the city and the board of county commissioners.

Each county and city establishing a city-county library system, as herein provided, at the beginning of each fiscal year or as soon thereafter as may be practicable, shall agree upon the necessary contributions to be made by each for the establishment, operation and maintenance of the city-county library system, appropriate such funds as may be agreed upon, and combine said funds with funds from any other source. Periodically, as may be agreed upon, the city and county shall contribute their appropriated funds to a common fund upon claims therefor being filed by the commission with the governing body of the city and with the board of county commissioners. ~~After approval of the claims, the~~ The contributions shall be made by warrants, issued by the appropriate officers and made payable to the city treasurer or county treasurer, as may be agreed upon by the city and county. Said common fund shall be maintained as a depository account with either the city treasurer or county treasurer, as may be agreed upon, and shall be disbursed upon vouchers drawn by such officer or employee of the commission as may be agreed upon by the city and county. Said vouchers shall be issued only in payment of claims which have been executed in the manner prescribed by law for claims against the county or the city and after such claims have been approved by the governing body of the city and the board of county commissioners, and before delivery to the payee, shall be registered with the city treasurer or county treasurer, as the case may be.

The officer or employee of the commission designated by the city and county to draw vouchers in payment of such claims shall be bonded in an amount as may be required by the city and county, but not less than Twenty Thousand Dollars (\$20,000.00). The designated

officer or employee shall be governed by the same statutory provisions relating to depository accounts as apply to county officials generally. Nothing contained herein shall be construed as exempting from the application of the general statutes relating to appropriations the funds contributed by the city and county to this common fund.

Income of the city-county library system from fines, fees, sales of personal property, and other miscellaneous sources, excluding income from sales of real property, shall not be considered general revenue of either the city or the county. It shall be deposited promptly with the city treasurer or the county treasurer, as the case may be, and shall be credited directly to the depository account of the commission without appropriation. Income from this source shall constitute a revolving fund which shall not be subject to fiscal limitations and which may be expended by the commission for the replacement or repair of books and other personal property other than motor vehicles.

In the event funds are made available for library purposes in the county, pursuant to the provisions of Section 10A of Article X of the Oklahoma Constitution, all or any part of the cost of establishing, maintaining and operating the city-county library system as set forth in the powers granted to the commission in Section 8 herein, and otherwise, may be paid with such funds, and the city-county library commission is authorized hereby to administer the expenditure of such funds in the same manner as herein provided for expenditure of funds appropriated from general revenue for library purposes.

SECTION 17. AMENDATORY 65 O.S. 1991, Section 159, is amended to read as follows:

Section 159. The governing body of any other city or town in a ~~any county in which a city-county library system has been~~ established is authorized to contract with the city-county library

commission, subject to the approval of the governing body of the city and the board of county commissioners, to bring such other city or town into the city-county library system, upon such terms as may be mutually agreed upon, and for that purpose may lease to the city-county library commission any library facilities or property which such other city or town may own, may include in its annual budget appropriations for participation in the city-county library system, and shall pay over to the city-county library system funds so appropriated, ~~which funds shall be combined with the funds of the city and county and expended in the same manner as herein provided for the expenditure of such funds.~~

SECTION 18. AMENDATORY 65 O.S. 1991, Section 160, is amended to read as follows:

Section 160. If, pursuant to the provisions of Chapter 37 of Title 11 of the Oklahoma Statutes or of any statute supplemental thereto or of any charter provision of the city, a retirement system is established for the employees of the city, the employees of the city-county library system may be included in that retirement system on the same basis applicable to employees of the city, if the commission so recommends and the board of county commissioners and the governing body of the city approve. Nothing otherwise provided by law shall operate to prohibit the appropriation of county funds for the payment of the county's pro rata share of the contribution to be made to the retirement fund on behalf of the employees of the city-county library system. In the event funds become available for library purposes pursuant to the provisions of Section 10A of Article X of the Oklahoma Constitution, the entire contribution on behalf of the employees of the city-county library system may be paid from such funds. The commission may act so as to cause its employees to be included in the state retirement system and from its funds make the contributions necessary therefor. In lieu of participation in the above mentioned retirement systems, the

commission may provide for the retirement of the employees of the city-county library system by the establishment of a self-insured trust, or by the purchase of annuity contracts or pension contracts from any insurance company authorized to do business in the State of Oklahoma.

SECTION 19. AMENDATORY 65 O.S. 1991, Section 552, is amended to read as follows:

Section 552. This act shall apply to any joint city-county public libraries established and maintained under the provisions of Article X, Section 10A of the Oklahoma Constitution in any county having a population of ~~five hundred thousand (500,000)~~ one hundred thousand (100,000) or more according to the ~~1960 or any succeeding latest~~ Federal Decennial Census, provided, that in counties with ~~less more than five hundred thousand (500,000)~~ one hundred thousand (100,000) population, and having a ~~joint city-county public metropolitan library system,~~ such library may elect to come under the provisions of this act upon a majority vote of the city-county library commission.

SECTION 20. 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~~ 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 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, 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 cities, 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 cities 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 cities 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~~ The composition of and appointment procedure for any metropolitan library commission serving a metropolitan library system existing as of July 1, 1992, shall not be affected by the provisions of this act.

SECTION 21. AMENDATORY 65 O.S. 1991, Section 555, is amended to read as follows:

Section 555. The commission shall elect its chairman from the appointed members and fill such other offices as its bylaws may establish. ~~The term of the chairman shall be one (1) year.~~ The commission shall hold at least one meeting each month and all meetings shall be open to the public, ~~except for matters concerning personnel.~~ It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record. For the purpose of conducting business and exercising the powers of the commission, ~~in cities with a population of four hundred thousand (400,000) or less, six commissioners~~ a majority of the membership shall constitute a quorum ~~and in cities with a population of four hundred thousand (400,000) or more, ten commissioners shall constitute a quorum.~~ The commission may establish a schedule of fees to cover various services rendered and may also contract with other persons, agencies and any governmental unit for such services as it may require, including private legal counsel and private auditing service, within the limits of its appropriations, and may incur necessary expenses. The commission may contract for, receive, and utilize any grants or other financial assistance from the United States or from any other source, public or private, in furtherance of its functions; may incur necessary expenses in obtaining said grants or financial assistance, within the limits of its appropriations; and shall receive and disburse such grants or other financial assistance.

SECTION 22. REPEALER 65 O.S. 1991, Sections 2-101.1, 4-108, 4-109, 4-110, 61, 81, 82, 83 and 181, are hereby repealed.

SECTION 23. This act shall become effective July 1, 1992.

SECTION 24. 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.

43-2-1541 SB