

173.480 Notice of organization -- Copy of petition -- Duties of Department for Libraries and Archives -- Board membership -- Appointment process.

- (1) Upon the creation of a district, the fiscal court of each county in the district shall at once notify the Department for Libraries and Archives of the establishment of the district and shall forward to the department a copy of the petition required pursuant to KRS 173.470. The Department for Libraries and Archives shall then recommend to the county judge/executive of each county in the district the names of suitable persons from among the signers of the petition to be appointed to the board. The Department for Libraries and Archives in recommending persons to the county judge/executive for appointment to the board shall recommend twice as many persons for each county as the county is entitled to have members appointed, and the county judge/executive shall immediately, with the approval of the fiscal court, make the selection from those recommended unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:
 - (a) 1. May immediately, with the approval of the fiscal court, make the selection from those recommended by the Department for Libraries and Archives; and
 2. For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within thirty (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and
 - (b) For any remaining unfilled appointments after the provisions of paragraph (a) of this subsection have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this paragraph.
- (2) Where the district consists of one (1) county, the county judge/executive shall appoint five (5) persons from that county as members.
- (3) Where the district consists of more than one (1) county, the Department for Libraries and Archives shall prescribe by regulation the number of board members, provided that the board shall consist of:
 - (a) Not less than one (1) nor more than four (4) members from each county, each county having such number of members as the proportion of its population bears to the total population in the district; and
 - (b) Not less than five (5) members.
- (4) Where a county joins an already established district:
 - (a) The Department for Libraries and Archives shall, from among the signers of the petition, recommend to the county judge/executive of each county

included in the new district for the first time twice as many persons for appointment to the board as the county is entitled to have appointed, and the county judge/executive shall select the members for the county from this list unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:

1. a. May select the members for the county from those recommended by the Department for Libraries and Archives; and
 - b. For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within thirty (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and
 2. For any remaining unfilled appointments after the provisions of subparagraph 1. of this paragraph have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this subparagraph; and
- (b) The terms of the members of the counties composing the previously existing district shall expire immediately upon the organization of the new board and such vacancies shall be filled as provided in KRS 173.490.

Effective: January 1, 2023

History: Amended 2022 Ky. Acts ch. 221, sec. 1, effective January 1, 2023. -- Amended 1990 Ky. Acts ch. 58, sec. 3, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 218, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 18, sec. 15, effective July 15, 1980; and ch. 188, sec. 130, effective July 15, 1980. -- Amended 1976 (1st Extra. Sess.) ch. 20, sec. 6, effective January 2, 1978. -- Created 1960 Ky. Acts ch. 114, sec. 4, effective June 16, 1960.