

CHAPTER 13

(SB 40)

AN ACT relating to public library district boards of trustees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 173.490 is amended to read as follows:

- (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and one-third (1/3) for a term of four (4) years. Where the board consists of a number of members not divisible by three (3), one-third (1/3) of the next higher number divisible by three (3), shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years, and the remaining number shall serve for a term of four (4) years. Thereafter, as their terms expire, the board shall make recommendations on their successors, who shall be appointed as set out in paragraph (b) of this subsection.
- (b) *1.* The board shall recommend two (2) persons committed to the provision of library services to the Department for Libraries and Archives for each vacancy. The names shall be forwarded to the Department for Libraries and Archives and the state librarian and commissioner shall recommend those names to the county judge/executive **for each vacancy, unless the fiscal court has adopted an alternative appointment process through the passage of a resolution as set forth in subparagraph 2. of this paragraph.** The county judge/executive shall **within thirty (30) days**~~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~~. **Within fourteen (14) days, the board shall notify the Department for Libraries and Archives of the name of any person appointed.**
- 2.* For fiscal courts that adopt an alternative appointment process **through the passage of a resolution, the board shall recommend one (1) person committed to the provision of library services to the county judge/executive, who:**
- ~~1.~~*a.* May **within thirty (30) days**~~immediately~~, with the approval of the fiscal court, make the selection from **the person recommended by the board**~~those recommended by the state librarian and commissioner~~; **or**~~and~~
- b.* **Shall, if he or she determines that the person recommended by the board is unacceptable,**~~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 no later than thirty (30) days after **rejecting the board's recommendation**~~day the county judge/executive received the recommendations under subparagraph 1.b. of this paragraph and made no appointment therefrom~~. The **board**~~county judge/executive~~ shall notify the Department for Libraries and Archives, **within fourteen (14) days of the appointment,** of the name of any individual appointed **by the alternative appointment process**~~in the manner set out in this subparagraph~~.
- (c) Board members ~~thus appointed~~ shall serve a term of four (4) years each, **and**~~Trustees~~ may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. The members shall hold office until their respective successors are appointed and qualified. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in the bylaws of the board of trustees.

- (2) Any vacancy occurring in the terms of office of members shall be filled for the unexpired term by the county judge/executive, with the approval of the fiscal court, by appointment on recommendation of the **board**~~state librarian and commissioner~~ of two (2)~~names of~~ persons committed to the provision of library services and living in the county in which the vacancy occurred 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 board shall recommend one (1) person committed to the provision of library services and living in the county to the county judge/executive, who:**
- (a) ~~{1.} May **within thirty (30) days**~~{immediately}~~, with the approval of the fiscal court, **appoint the person recommended by the board**~~{ make the appointment on the recommendation of the state librarian and commissioner of two (2) names of persons committed to the provision of library services and living in the county in which the vacancy occurred}~~; ~~or~~~~{and~~~~
- ~~2. If the county judge/executive decides not to make the appointment from the first recommendations, shall request the Department for Libraries and Archives to submit within thirty (30) days two (2) additional recommended persons for the unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and}~~
- (b) **Shall, if he or she determines that the person recommended by the board is unacceptable,**~~{For any remaining unfilled appointment after the provisions of paragraph (a) of this subsection have been followed, shall}~~ appoint, with the approval of the fiscal court, an individual of his or her choosing no later than thirty (30) days after **rejecting the board's recommendation**~~{day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom}~~. Any person appointed in accordance with this **subsection**~~{paragraph}~~ shall be committed to the provision of library services and living in the county in which the vacancy occurred. The **board**~~county judge/executive~~ shall notify the Department for Libraries and Archives, **within fourteen (14) days of the appointment,** of the name of any individual appointed in the manner set out in this **subsection**~~{paragraph}~~.
- (3) A member of the board may be removed from office as provided by KRS 65.007.
- (4) **Any person appointed to the board shall be committed to the provision of library services and living in the county in which the board operates.**

➔Section 2. KRS 173.730 is amended to read as follows:

- (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and one-third (1/3) for a term of four (4) years. Where the board consists of a number of members not divisible by three (3), one-third (1/3) of the next higher number divisible by three (3), shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and the remaining number shall serve for a term of four (4) years. Thereafter, as their terms expire, the board shall make recommendations on their successors, who shall be appointed as set out in paragraph (b) of this subsection.
- (b) 1. The board shall recommend two (2) persons committed to the provision of library services to the ~~Department for Libraries and Archives, for each vacancy. The state librarian and commissioner shall recommend those names to the~~ county judge/executive **for each vacancy, unless the fiscal court has adopted an alternative appointment process through the passage of a resolution as set forth in this paragraph.** The county judge/executive shall **within thirty (30) days**~~{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}~~. **Within fourteen (14) days, the board shall notify the Department for Libraries and Archives of the name of any person appointed.**
2. For fiscal courts that adopt an alternative appointment process **through the passage of a resolution, the board shall recommend one (1) person committed to the provision of library services to the county judge/executive, who:**
- ~~{1.} a. May **within thirty (30) days**~~{immediately}~~, with the approval of the fiscal court, make the selection from **the person recommended by the board**~~{those recommended by the state librarian and commissioner}~~; ~~or~~~~{and~~~~
- b. **Shall, if he or she determines that the person recommended by the board is unacceptable,**~~{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 no later than thirty (30) days after **rejecting the board's recommendation**{day the county judge/executive received the recommendations under of subparagraph 1.b. of this paragraph and made no appointment therefrom}. The **board**{county judge/executive} shall notify the Department for Libraries and Archives, **within fourteen (14) days of the appointment**, of the name of any individual appointed **by the alternative appointment process**{in the manner set out in this subparagraph}.~~
- (c) Board members ~~{thus appointed}~~ shall serve a term of four (4) years each, ~~and~~ ~~{Trustees}~~ may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. The members shall hold office until their respective successors are appointed and qualified. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in bylaws of the board of trustees.
- (2) Any vacancy occurring in the terms of office of members shall be filled for the unexpired term by the county judge/executive, with the approval of the fiscal court, by appointment on recommendation of the ~~board~~ ~~{state librarian and commissioner}~~ of two (2) persons interested in the provision of library services and living in the county in which the vacancy occurred 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 board shall recommend one (1) person committed to the provision of library services and living in the county to the county judge/executive, who:**
- (a) ~~{1.} May **within thirty (30) days**{immediately}, with the approval of the fiscal court, **appoint the person recommended by the board**{make the appointment on the recommendation of the state librarian and commissioner of two (2) persons interested in the provision of library services and living in the county in which the vacancy occurred}; **or**{and~~
- ~~2. If the county judge/executive decides not to make the appointment from the first recommendations, shall request the Department for Libraries and Archives to submit within thirty (30) days two (2) additional recommended persons for the unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and}~~
- (b) **Shall, if he or she determines that the person recommended by the board is unacceptable,** ~~{For any remaining unfilled appointment after the provisions of paragraph (a) of this subsection have been followed,}~~ appoint, with the approval of the fiscal court, an individual of his or her choosing no later than thirty (30) days after **rejecting the board's recommendation** ~~{day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom}~~. Any person appointed in accordance with this ~~subsection~~ ~~{paragraph}~~ shall be committed to the provision of library services and living in the county in which the vacancy occurred. The ~~board~~ ~~{county judge/executive}~~ shall notify the Department for Libraries and Archives, **within fourteen (14) days of the appointment**, of the name of any individual appointed in the manner set out in this ~~subsection~~ ~~{paragraph}~~.
- (3) A member of the board may be removed from office as provided by KRS 65.007.
- (4) **Any person appointed to the board shall be committed to the provision of library services and living in the county in which the board operates.**

Became law without Governor's signature April 2, 2026.