

1 AN ACT relating to public library district boards of trustees.

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

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

4 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a  
5 term of two (2) years, one-third (1/3) for a term of three (3) years and one-  
6 third (1/3) for a term of four (4) years. Where the board consists of a number  
7 of members not divisible by three (3), one-third (1/3) of the next higher  
8 number divisible by three (3), shall serve for a term of two (2) years, one-third  
9 (1/3) for a term of three (3) years, and the remaining number shall serve for a  
10 term of four (4) years. Thereafter, as their terms expire, the board shall make  
11 recommendations on their successors, who shall be appointed as set out in  
12 paragraph (b) of this subsection.

13 (b) The board shall recommend one (1) person~~[two (2) persons]~~ committed to the  
14 provision of library services to the Department for Libraries and Archives for  
15 each vacancy. The name~~[names]~~ shall be forwarded to the Department for  
16 Libraries and Archives and the state librarian and commissioner shall  
17 recommend that name~~[those names]~~ to the county judge/executive. The  
18 county judge/executive shall immediately, with the approval of the fiscal  
19 court, make the selection from the name~~[those]~~ recommended unless the  
20 fiscal court has adopted an alternative appointment process through the  
21 passage of a resolution. For fiscal courts that adopt an alternative appointment  
22 process, the county judge/executive:

23 1. ~~[a.—]~~May immediately, with the approval of the fiscal court, make the  
24 selection from the name~~[those]~~ recommended by the state librarian and  
25 commissioner; or~~[and]~~

26 ~~b.— For any appointments the county judge/executive decides not to~~  
27 ~~fill from the first recommendations, shall request the Department~~

1 for Libraries and Archives to submit within thirty (30) days two  
2 (2) additional recommended persons for each unfilled  
3 appointment, and, with the approval of the fiscal court, may make  
4 the selection from those recommendations; and]

5 2. For any remaining unfilled appointments after the provisions of  
6 subparagraph 1. of this paragraph have been followed, shall appoint,  
7 with the approval of the fiscal court, individuals of his or her choosing  
8 no later than thirty (30) days after the day the county judge/executive  
9 received the recommendation[recommendations] under subparagraph  
10 1.[1.b.] of this paragraph and made no appointment therefrom. The  
11 county judge/executive shall notify the Department for Libraries and  
12 Archives of the name of any individual appointed in the manner set out  
13 in this subparagraph.

14 (c) Board members [~~thus appointed~~] shall serve a term of four (4) years each,  
15 and[~~Trustees~~] may serve for two (2) consecutive terms after which they shall  
16 not succeed themselves. They may be reappointed no earlier than twelve (12)  
17 months following the end of their last service. The members shall hold office  
18 until their respective successors are appointed and qualified. After absence of  
19 a trustee from four (4) regular monthly meetings of the board during any one  
20 (1) year of the trustee's term, the trustee shall be considered to have  
21 automatically resigned from the board. An advisory board may be appointed  
22 and serve as specified in the bylaws of the board of trustees.

23 (2) Any vacancy occurring in the terms of office of members shall be filled for the  
24 unexpired term by the county judge/executive, with the approval of the fiscal court,  
25 by appointment on recommendation of the state librarian and commissioner of the  
26 name of one (1) person[two (2) names of persons] committed to the provision of  
27 library services and living in the county in which the vacancy occurred unless the

1 fiscal court has adopted an alternative appointment process through the passage of a  
 2 resolution. For fiscal courts that adopt an alternative appointment process, the  
 3 county judge/executive:

4 (a) ~~[1.]~~ May immediately, with the approval of the fiscal court, make the  
 5 appointment on the recommendation of the state librarian and  
 6 commissioner of ***the name of one (1) person***~~[two (2) names of persons]~~  
 7 committed to the provision of library services and living in the county in  
 8 which the vacancy occurred; ~~or~~***and***

9 ~~2. If the county judge/executive decides not to make the appointment from~~  
 10 ~~the first recommendations, shall request the Department for Libraries~~  
 11 ~~and Archives to submit within thirty (30) days two (2) additional~~  
 12 ~~recommended persons for the unfilled appointment, and, with the~~  
 13 ~~approval of the fiscal court, may make the selection from those~~  
 14 ~~recommendations; and]~~

15 (b) For any remaining unfilled appointment after the provisions of paragraph (a)  
 16 of this subsection have been followed, shall appoint, with the approval of the  
 17 fiscal court, an individual of his or her choosing no later than thirty (30) days  
 18 after the day the county judge/executive received the  
 19 ***recommendation***~~[recommendations]~~ under paragraph (a)~~[2.]~~ of this  
 20 subsection and made no appointment therefrom. Any person appointed in  
 21 accordance with this paragraph shall be committed to the provision of library  
 22 services and living in the county in which the vacancy occurred. The county  
 23 judge/executive shall notify the Department for Libraries and Archives of the  
 24 name of any individual appointed in the manner set out in this paragraph.

25 (3) A member of the board may be removed from office as provided by KRS 65.007.

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

27 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a

1 term of two (2) years, one-third (1/3) for a term of three (3) years and one-  
 2 third (1/3) for a term of four (4) years. Where the board consists of a number  
 3 of members not divisible by three (3), one-third (1/3) of the next higher  
 4 number divisible by three (3), shall serve for a term of two (2) years, one-third  
 5 (1/3) for a term of three (3) years and the remaining number shall serve for a  
 6 term of four (4) years. Thereafter, as their terms expire, the board shall make  
 7 recommendations on their successors, who shall be appointed as set out in  
 8 paragraph (b) of this subsection.

9 (b) The board shall recommend one (1) person~~[two (2) persons]~~ committed to the  
 10 provision of library services to the Department for Libraries and Archives, for  
 11 each vacancy. The state librarian and commissioner shall recommend that  
 12 name~~[those names]~~ to the county judge/executive. The county  
 13 judge/executive shall immediately, with the approval of the fiscal court, make  
 14 the selection from the name~~[those]~~ recommended unless the fiscal court has  
 15 adopted an alternative appointment process through the passage of a  
 16 resolution. For fiscal courts that adopt an alternative appointment process, the  
 17 county judge/executive:

18 1. ~~[a.—]~~May immediately, with the approval of the fiscal court, make the  
 19 selection from the name~~[those]~~ recommended by the state  
 20 librarian and commissioner; or~~[and]~~

21 ~~b.—~~For any appointments the county judge/executive decides not to  
 22 fill from the first recommendations, shall request the Department  
 23 for Libraries and Archives to submit within thirty (30) days two  
 24 (2) additional recommended persons for each unfilled  
 25 appointment, and, with the approval of the fiscal court, may make  
 26 the selection from those recommendations; and]

27 2. For any remaining unfilled appointments after the provisions of

1           subparagraph 1. of this paragraph have been followed, shall appoint,  
 2           with the approval of the fiscal court, individuals of his or her choosing  
 3           no later than thirty (30) days after the day the county judge/executive  
 4           received the recommendation~~recommendations~~ under ~~of~~  
 5           subparagraph 1.~~1.b.~~ of this paragraph and made no appointment  
 6           therefrom. The county judge/executive shall notify the Department for  
 7           Libraries and Archives of the name of any individual appointed in the  
 8           manner set out in this subparagraph.

9           (c) Board members ~~thus appointed~~ shall serve a term of four (4) years each,  
 10          and~~Trustees~~ may serve for two (2) consecutive terms after which they shall  
 11          not succeed themselves. They may be reappointed no earlier than twelve (12)  
 12          months following the end of their last service. The members shall hold office  
 13          until their respective successors are appointed and qualified. After absence of  
 14          a trustee from four (4) regular monthly meetings of the board during any one  
 15          (1) year of the trustee's term, the trustee shall be considered to have  
 16          automatically resigned from the board. An advisory board may be appointed  
 17          and serve as specified in bylaws of the board of trustees.

18          (2) Any vacancy occurring in the terms of office of members shall be filled for the  
 19          unexpired term by the county judge/executive, with the approval of the fiscal court,  
 20          by appointment on recommendation of the state librarian and commissioner of the  
 21          name of one (1) person~~two (2) persons~~ interested in the provision of library  
 22          services and living in the county in which the vacancy occurred unless the fiscal  
 23          court has adopted an alternative appointment process through the passage of a  
 24          resolution. For fiscal courts that adopt an alternative appointment process, the  
 25          county judge/executive:

26          (a) ~~1.~~ May immediately, with the approval of the fiscal court, make the  
 27          appointment on the recommendation of the state librarian and commissioner

1 of one (1) person~~[two (2) persons]~~ interested in the provision of library  
2 services and living in the county in which the vacancy occurred; or~~and~~  
3 ~~2. If the county judge/executive decides not to make the appointment from~~  
4 ~~the first recommendations, shall request the Department for Libraries~~  
5 ~~and Archives to submit within thirty (30) days two (2) additional~~  
6 ~~recommended persons for the unfilled appointment, and, with the~~  
7 ~~approval of the fiscal court, may make the selection from those~~  
8 ~~recommendations; and]~~

9 (b) For any remaining unfilled appointment after the provisions of paragraph (a)  
10 of this subsection have been followed, appoint, with the approval of the fiscal  
11 court, an individual of his or her choosing no later than thirty (30) days after  
12 the day the county judge/executive received the  
13 recommendation~~[recommendations]~~ under paragraph (a)~~[2.]~~ of this  
14 subsection and made no appointment therefrom. Any person appointed in  
15 accordance with this paragraph shall be committed to the provision of library  
16 services and living in the county in which the vacancy occurred. The county  
17 judge/executive shall notify the Department for Libraries and Archives of the  
18 name of any individual appointed in the manner set out in this paragraph.

19 (3) A member of the board may be removed from office as provided by KRS 65.007.