

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 names shall be forwarded to the Department for Libraries~~  
16 ~~and Archives and the state librarian and commissioner shall recommend those~~  
17 ~~names to ]~~the county judge/executive for each vacancy. The county  
18 judge/executive~~[ shall immediately, with the approval of the fiscal court,~~  
19 ~~make the selection from those recommended unless the fiscal court has~~  
20 ~~adopted an alternative appointment process through the passage of a~~  
21 ~~resolution. For fiscal courts that adopt an alternative appointment process, the~~  
22 ~~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 board~~[state~~  
25 ~~librarian and 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. *Shall, if he or she determines that the person recommended by the*  
 6                   *board is unacceptable,*[For any remaining unfilled appointments after  
 7                   the provisions of subparagraph 1. of this paragraph have been followed,  
 8                   shall] appoint, with the approval of the fiscal court, individuals of his or  
 9                   her choosing no *earlier*[later] than thirty (30) days *and no later than*  
 10                   *sixty (60) days* after the day the county judge/executive received the  
 11                   *recommendation*[recommendations] under subparagraph 1.[b.] of this  
 12                   paragraph and made no appointment therefrom.[ The county  
 13                   judge/executive shall notify the Department for Libraries and Archives  
 14                   of the name of any individual appointed in the manner set out in this  
 15                   subparagraph.]

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

25                   (2) Any vacancy occurring in the terms of office of members shall be filled for the  
 26                   unexpired term by the county judge/executive, with the approval of the fiscal  
 27                   court,[, by appointment on recommendation of the state librarian and commissioner

1 of two (2) names of persons committed to the provision of library services and  
 2 living in the county in which the vacancy occurred unless the fiscal court has  
 3 adopted an alternative appointment process through the passage of a resolution. For  
 4 fiscal courts that adopt an alternative appointment process,] The county  
 5 judge/executive:

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

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

17 (b) **Shall, if he or she determines that the person recommended by the board is**  
 18 **unacceptable,** [~~For any remaining unfilled appointment after the provisions of~~  
 19 ~~paragraph (a) of this subsection have been followed, shall~~] appoint, with the  
 20 approval of the fiscal court, an individual of his or her choosing no  
 21 **earlier** [~~later~~] than thirty (30) days **and no later than sixty (60) days**  
 22 day the county judge/executive received the  
 23 **recommendation** [~~recommendations~~] under paragraph (a) [~~2.~~] of this  
 24 subsection and made no appointment therefrom. Any person appointed in  
 25 accordance with this paragraph shall be committed to the provision of library  
 26 services and living in the county in which the vacancy occurred. [~~The county~~  
 27 ~~judge/executive shall notify the Department for Libraries and Archives of the~~

1 ~~name of any individual appointed in the manner set out in this paragraph.]~~

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

3 ➔Section 2. KRS 173.730 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,~~  
15 ~~for each vacancy. The state librarian and commissioner shall recommend~~  
16 ~~those names to ]~~the county judge/executive for each vacancy. The county  
17 judge/executive~~[ shall immediately, with the approval of the fiscal court,~~  
18 ~~make the selection from those recommended unless the fiscal court has~~  
19 ~~adopted an alternative appointment process through the passage of a~~  
20 ~~resolution. For fiscal courts that adopt an alternative appointment process, the~~  
21 ~~county judge/executive]:~~

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

25 ~~[b.] For any appointments the county judge/executive decides not to~~  
26 ~~fill from the first recommendations, shall request the Department~~  
27 ~~for Libraries and Archives to submit within thirty (30) days two~~

1                   (2) ~~additional recommended persons for each unfilled~~  
 2                   ~~appointment, and, with the approval of the fiscal court, may make~~  
 3                   ~~the selection from those recommendations; and]~~

4                   2. *Shall, if he or she determines that the person recommended by the*  
 5                   *board is unacceptable,*~~[For any remaining unfilled appointments after~~  
 6                   ~~the provisions of subparagraph 1. of this paragraph have been followed,~~  
 7                   ~~shall] appoint, with the approval of the fiscal court, individuals of his or~~  
 8                   ~~her choosing no earlier[later] than thirty (30) days and no later than~~  
 9                   *sixty (60) days* after the day the county judge/executive received the  
 10                   *recommendation*~~[recommendations] under [of] subparagraph 1.[.b.] of~~  
 11                   ~~this paragraph and made no appointment therefrom.[ The county~~  
 12                   ~~judge/executive shall notify the Department for Libraries and Archives~~  
 13                   ~~of the name of any individual appointed in the manner set out in this~~  
 14                   ~~subparagraph.]~~

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

24                   (2) Any vacancy occurring in the terms of office of members shall be filled for the  
 25                   unexpired term by the county judge/executive, with the approval of the fiscal  
 26                   court,~~[, by appointment on recommendation of the state librarian and commissioner~~  
 27                   ~~of two (2) persons interested in the provision of library services and living in the~~

1 ~~county in which the vacancy occurred unless the fiscal court has adopted an~~  
 2 ~~alternative appointment process through the passage of a resolution. For fiscal~~  
 3 ~~courts that adopt an alternative appointment process,] The county judge/executive:~~

4 (a) ~~[1.]~~ May immediately, with the approval of the fiscal court, make the  
 5 appointment on the recommendation of the **board**~~[state librarian and~~  
 6 ~~commissioner]~~ of **one (1) person**~~[two (2) persons]~~ interested in the  
 7 provision of library services and living in the county in which the  
 8 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) **Shall, if he or she determines that the person recommended by the board is**  
 16 **unacceptable,**~~[ For any remaining unfilled appointment after the provisions of~~  
 17 ~~paragraph (a) of this subsection have been followed,] appoint, with the~~  
 18 approval of the fiscal court, an individual of his or her choosing no  
 19 **earlier**~~[later]~~ than thirty (30) days **and no later than sixty (60) days** after the  
 20 day the county judge/executive received the  
 21 **recommendation**~~[recommendations]~~ under paragraph (a)~~[2.]~~ of this  
 22 subsection and made no appointment therefrom. Any person appointed in  
 23 accordance with this paragraph shall be committed to the provision of library  
 24 services and living in the county in which the vacancy occurred.~~[The county~~  
 25 ~~judge/executive shall notify the Department for Libraries and Archives of the~~  
 26 ~~name of any individual appointed in the manner set out in this paragraph.]~~

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