

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) 1. The board shall recommend two (2) persons committed to the provision
14 of library services to the ~~Department for Libraries and Archives for~~
15 ~~each vacancy. The names shall be forwarded to the Department for~~
16 ~~Libraries and Archives and the state librarian and commissioner shall~~
17 ~~recommend those names to the~~ county judge/executive ***for each***
18 ***vacancy, unless the fiscal court has adopted an alternative***
19 ***appointment process through the passage of a resolution as set forth***
20 ***in subparagraph 2. of this paragraph.*** The county judge/executive shall
21 ***within thirty (30) days***~~immediately~~, with the approval of the fiscal
22 court, make the selection from those recommended unless the fiscal
23 court has adopted an alternative appointment process~~through the~~
24 ~~passage of a resolution~~. ***Within fourteen (14) days, the board shall***
25 ***notify the Department for Libraries and Archives of the name of any***
26 ***person appointed.***

27 2. For fiscal courts that adopt an alternative appointment process ***through***

1 the passage of a resolution, the board shall recommend one (1) person
2 committed to the provision of library services to the county
3 judge/executive, who:

4 ~~{1.}~~a. May within thirty (30) days~~{immediately}~~, with the approval
5 of the fiscal court, make the selection from the person
6 recommended by the board~~{those recommended by the state~~
7 ~~librarian and commissioner}~~; or~~{and}~~

8 b. Shall, if he or she determines that the person recommended by
9 the board is unacceptable,~~{For any appointments the county~~
10 ~~judge/executive decides not to fill from the first recommendations,~~
11 ~~shall request the Department for Libraries and Archives to submit~~
12 ~~within thirty (30) days two (2) additional recommended persons~~
13 ~~for each unfilled appointment, and, with the approval of the fiscal~~
14 ~~court, may make the selection from those recommendations; and~~

15 ~~2. For any remaining unfilled appointments after the provisions of~~
16 ~~subparagraph 1. of this paragraph have been followed, shall}~~
17 ~~appoint, with the approval of the fiscal court, individuals of his or~~
18 ~~her choosing no later than thirty (30) days after rejecting the~~
19 ~~board's recommendation{day the county judge/executive received~~
20 ~~the recommendations under subparagraph 1.b. of this paragraph~~
21 ~~and made no appointment therefrom}. The board{county~~
22 ~~judge/executive} shall notify the Department for Libraries and~~
23 ~~Archives, within fourteen (14) days of the appointment, of the~~
24 ~~name of any individual appointed by the alternative appointment~~
25 ~~process{in the manner set out in this subparagraph}.~~

26 (c) Board members ~~{thus appointed}~~ shall serve a term of four (4) years each,
27 and~~{Trustees}~~ may serve for two (2) consecutive terms after which they shall

1 not succeed themselves. They may be reappointed no earlier than twelve (12)
2 months following the end of their last service. The members shall hold office
3 until their respective successors are appointed and qualified. After absence of
4 a trustee from four (4) regular monthly meetings of the board during any one
5 (1) year of the trustee's term, the trustee shall be considered to have
6 automatically resigned from the board. An advisory board may be appointed
7 and serve as specified in the bylaws of the board of trustees.

8 (2) Any vacancy occurring in the terms of office of members shall be filled for the
9 unexpired term by the county judge/executive, with the approval of the fiscal court,
10 by appointment on recommendation of the board~~[state librarian and commissioner]~~
11 of two (2)~~[names of]~~ persons committed to the provision of library services and
12 living in the county in which the vacancy occurred unless the fiscal court has
13 adopted an alternative appointment process through the passage of a resolution. For
14 fiscal courts that adopt an alternative appointment process, the board shall
15 recommend one (1) person committed to the provision of library services and
16 living in the county to the county judge/executive, who:

- 17 (a) ~~[1. —]~~ May within thirty (30) days~~[immediately]~~, with the approval of the
18 fiscal court, appoint the person recommended by the board~~[make the~~
19 ~~appointment on the recommendation of the state librarian and commissioner~~
20 ~~of two (2) names of persons committed to the provision of library services and~~
21 ~~living in the county in which the vacancy occurred]; or [and~~
22 ~~2. — If the county judge/executive decides not to make the appointment from~~
23 ~~the first recommendations, shall request the Department for Libraries~~
24 ~~and Archives to submit within thirty (30) days two (2) additional~~
25 ~~recommended persons for the unfilled appointment, and, with the~~
26 ~~approval of the fiscal court, may make the selection from those~~
27 ~~recommendations; and]~~

1 (b) *Shall, if he or she determines that the person recommended by the board is*
2 *unacceptable.* ~~[For any remaining unfilled appointment after the provisions of~~
3 ~~paragraph (a) of this subsection have been followed, shall]~~ appoint, with the
4 approval of the fiscal court, an individual of his or her choosing no later than
5 thirty (30) days after *rejecting* the *board's recommendation* ~~[day the county~~
6 ~~judge/executive received the recommendations under paragraph (a)2. of this~~
7 ~~subsection and made no appointment therefrom].~~ Any person appointed in
8 accordance with this *subsection* ~~[paragraph]~~ shall be committed to the
9 provision of library services and living in the county in which the vacancy
10 occurred. The *board* ~~[county judge/executive]~~ shall notify the Department for
11 Libraries and Archives, *within fourteen (14) days of the appointment,* of the
12 name of any individual appointed in the manner set out in this
13 *subsection* ~~[paragraph].~~

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

15 *(4) Any person appointed to the board shall be committed to the provision of library*
16 *services and living in the county in which the board operates.*

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

18 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a
19 term of two (2) years, one-third (1/3) for a term of three (3) years and one-
20 third (1/3) for a term of four (4) years. Where the board consists of a number
21 of members not divisible by three (3), one-third (1/3) of the next higher
22 number divisible by three (3), shall serve for a term of two (2) years, one-third
23 (1/3) for a term of three (3) years and the remaining number shall serve for a
24 term of four (4) years. Thereafter, as their terms expire, the board shall make
25 recommendations on their successors, who shall be appointed as set out in
26 paragraph (b) of this subsection.

27 (b) *1.* The board shall recommend two (2) persons committed to the provision

1 of library services to the ~~Department for Libraries and Archives, for~~
2 ~~each vacancy. The state librarian and commissioner shall recommend~~
3 ~~those names to the~~ county judge/executive for each vacancy, unless
4 the fiscal court has adopted an alternative appointment process
5 through the passage of a resolution as set forth in this paragraph. The
6 county judge/executive shall within thirty (30) days~~[immediately]~~, with
7 the approval of the fiscal court, make the selection from those
8 recommended unless the fiscal court has adopted an alternative
9 appointment process~~[through the passage of a resolution]~~. Within
10 fourteen (14) days, the board shall notify the Department for Libraries
11 and Archives of the name of any person appointed.

12 2. For fiscal courts that adopt an alternative appointment process through
13 the passage of a resolution, the board shall recommend one (1) person
14 committed to the provision of library services to the county
15 judge/executive, who:

16 ~~[1.]~~ a. May within thirty (30) days~~[immediately]~~, with the approval
17 of the fiscal court, make the selection from the person
18 recommended by the board~~[those recommended by the state~~
19 ~~librarian and commissioner]; or~~~~[and]~~

20 b. Shall, if he or she determines that the person recommended by
21 the board is unacceptable,~~[For any appointments the county~~
22 ~~judge/executive decides not to fill from the first recommendations,~~
23 ~~shall request the Department for Libraries and Archives to submit~~
24 ~~within thirty (30) days two (2) additional recommended persons~~
25 ~~for each unfilled appointment, and, with the approval of the fiscal~~
26 ~~court, may make 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~~
2 appoint, with the approval of the fiscal court, individuals of his or
3 her choosing no later than thirty (30) days after **rejecting** the
4 **board's recommendation**~~[day the county judge/executive received~~
5 ~~the recommendations under of subparagraph 1.b. of this paragraph~~
6 ~~and made no appointment therefrom].~~ The **board**~~[county~~
7 ~~judge/executive]~~ shall notify the Department for Libraries and
8 Archives, **within fourteen (14) days of the appointment,** of the
9 name of any individual appointed **by the alternative appointment**
10 **process**~~[in the manner set out in this subparagraph].~~

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

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

1 county to the county judge/executive, who:

2 (a) ~~[1.—]May within thirty (30) days[immediately], with the approval of the~~
3 fiscal court, appoint the person recommended by the board~~[make the~~
4 ~~appointment on the recommendation of the state librarian and commissioner~~
5 ~~of two (2) persons interested in the provision of library services and living in~~
6 ~~the county in which the vacancy occurred]; or[and~~

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

13 (b) Shall, if he or she determines that the person recommended by the board is
14 unacceptable,~~[For any remaining unfilled appointment after the provisions of~~
15 ~~paragraph (a) of this subsection have been followed,]~~ appoint, with the
16 approval of the fiscal court, an individual of his or her choosing no later than
17 thirty (30) days after rejecting the board's recommendation~~[day the county~~
18 ~~judge/executive received the recommendations under paragraph (a)2. of this~~
19 ~~subsection and made no appointment therefrom]. Any person appointed in~~
20 accordance with this subsection~~[paragraph]~~ shall be committed to the
21 provision of library services and living in the county in which the vacancy
22 occurred. The board~~[county judge/executive]~~ shall notify the Department for
23 Libraries and Archives, within fourteen (14) days of the appointment, of the
24 name of any individual appointed in the manner set out in this
25 subsection~~[paragraph]~~.

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

27 (4) Any person appointed to the board shall be committed to the provision of library

1 *services and living in the county in which the board operates.*