

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) I 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 vacaney 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) **I.** 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 vacaney. 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

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