

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, unless the fiscal court has adopted an  
12           alternative appointment process as set forth in paragraph (b) of this  
13           subsection, who shall be appointed as set out in paragraph (b) of this  
14           subsection.

15       (b) The board shall recommend two (2) persons committed to the provision of  
16           library services to the Department for Libraries and Archives for each  
17           vacancy, unless the fiscal court has adopted an alternative appointment  
18           process as set forth in this paragraph. The names shall be forwarded to the  
19           Department for Libraries and Archives, and the state librarian and  
20           commissioner shall recommend those names to the county judge/executive.  
21           The county judge/executive shall immediately, with the approval of the fiscal  
22           court, make the selection from those recommended unless the fiscal court has  
23           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       1. a. ~~may immediately, with the approval of the fiscal court, make the~~  
27           ~~selection from those recommended by the state librarian and commissioner;~~

1 and

2 b. For any appointments the county judge/executive decides not to fill from the  
3 first recommendations, shall request the Department for Libraries and  
4 Archives to submit within thirty (30) days two (2) additional recommended  
5 persons for each unfilled appointment, and, with the approval of the fiscal  
6 court, may make the selection from those recommendations; and

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

(a) 1. ~~May immediately, with the approval of the fiscal court, 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; 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) ~~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 sixty (60)[thirty (30)] days after the vacancy occurred[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 county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed by the alternative process[in the manner set out in this paragraph].~~

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

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

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

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

23        1. a. ~~May immediately, with the approval of the fiscal court, make the~~  
24            ~~selection from those recommended by the state librarian and commissioner;~~  
25            ~~and~~  
26        b. ~~For any appointments the county judge/executive decides not to fill from the~~  
27            ~~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 sixty (60)thirty (30) days after the vacancy occurredday the county judge/executive received the recommendations under of subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed by the alternative 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.

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 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

1       an alternative appointment process, the county judge/executive shall:

2       (a) 1. ~~May immediately, with the approval of the fiscal court, 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; and~~

3       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~~

4       (b) ~~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 sixty (60)~~thirty (30)~~ days after the vacancy occurred~~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 county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed by the alternative process~~in the manner set out in this paragraph~~.~~

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