

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
5 a 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, ***members shall be***
11 ***appointed by the county judge/executive with the approval of the fiscal***
12 ***court. Any person appointed shall be***~~the board shall make recommendations~~
13 ~~on their successors, 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
16 of library services ***and shall reside in the county in which the open***
17 ***position occurred***~~to the Department for Libraries and Archives for each~~
18 ~~vacancy. The names shall be forwarded to the Department for Libraries~~
19 ~~and Archives and the state librarian and commissioner shall recommend~~
20 ~~those names to the county judge/executive. The county judge/executive~~
21 ~~shall immediately, with the approval of the fiscal court, make the~~
22 ~~selection from those recommended unless the fiscal court has adopted an~~
23 ~~alternative appointment process through the passage of a resolution. For~~
24 ~~fiscal courts that adopt an alternative appointment process, the county~~
25 ~~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~~

1 commissioner; and

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

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

16 ~~(b)~~~~(c)~~ Board members~~[thus appointed]~~ shall serve a term of four (4) years
17 each, and~~[Trustees]~~ may serve for two (2) consecutive terms after which
18 they shall not succeed themselves. They may be reappointed no earlier than
19 twelve (12) months following the end of their last service. The members shall
20 hold office until their respective successors are appointed and qualified. After
21 absence of a trustee from four (4) regular monthly meetings of the board
22 during any one (1) year of the trustee's term, the trustee shall be considered to
23 have automatically resigned from the board. An advisory board may be
24 appointed 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 state librarian and
8 commissioner of two (2) names of persons committed to the provision
9 of library services and living in the county in which the vacancy
10 occurred; 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) For any remaining unfilled appointment after the provisions of paragraph (a)
18 of this subsection have been followed, shall appoint, with the approval of the
19 fiscal court, an individual of his or her choosing no later than thirty (30) days
20 after the day the county judge/executive received the recommendations under
21 paragraph (a)2. of this subsection and made no appointment therefrom]. Any
22 person appointed in accordance with this subsection[paragraph] shall be
23 committed to the provision of library services and living in the county in
24 which the vacancy occurred.[The county judge/executive shall notify the
25 Department for Libraries and Archives of the name of any individual
26 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.

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, **members shall be**
9 **appointed by the county judge/executive, with the approval of the fiscal**
10 **court. Any person appointed shall be** ~~the board shall make recommendations~~
11 ~~on their successors, 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
14 of library services **and shall reside in the county in which the open**
15 **position occurred** ~~to the Department for Libraries and Archives, for~~
16 ~~each vacancy. The state librarian and commissioner shall recommend~~
17 ~~those names to the county judge/executive. The county judge/executive~~
18 ~~shall immediately, with the approval of the fiscal court, make the~~
19 ~~selection from those recommended unless the fiscal court has adopted an~~
20 ~~alternative appointment process through the passage of a resolution. For~~
21 ~~fiscal 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~~
25 ~~commissioner; and~~

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

1 ~~and Archives to submit within thirty (30) days two (2) additional~~
2 ~~recommended persons for each unfilled appointment, and, with the~~
3 ~~approval of the fiscal court, may make the selection from those~~
4 ~~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 recommendations under of subparagraph 1.b. of this~~
10 ~~paragraph and made no appointment therefrom. The county~~
11 ~~judge/executive shall notify the Department for Libraries and Archives~~
12 ~~of the name of any individual appointed in the manner set out in this~~
13 ~~subparagraph].~~

14 ~~(b)(c)~~ Board members~~[thus appointed]~~ shall serve a term of four (4) years
15 each, and~~[. Trustees]~~ may serve for two (2) consecutive terms after which
16 they shall not succeed themselves. They may be reappointed no earlier than
17 twelve (12) months following the end of their last service. The members shall
18 hold office until their respective successors are appointed and qualified. After
19 absence of a trustee from four (4) regular monthly meetings of the board
20 during any one (1) year of the trustee's term, the trustee shall be considered to
21 have automatically resigned from the board. An advisory board may be
22 appointed and serve as specified in 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
25 court~~[, by appointment on recommendation of the state librarian and commissioner~~
26 ~~of two (2) persons interested in the provision of library services and living in the~~
27 ~~county in which the vacancy occurred unless the fiscal court has adopted an~~

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

3 ~~(a) 1. May immediately, with the approval of the fiscal court, make the~~
4 ~~appointment on the recommendation of the state librarian and~~
5 ~~commissioner of two (2) persons interested in the provision of library~~
6 ~~services and living in the county in which the vacancy occurred; 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) For any remaining unfilled appointment after the provisions of paragraph (a)~~
14 ~~of this subsection have been followed, appoint, with the approval of the fiscal~~
15 ~~court, an individual of his or her choosing no later than thirty (30) days after~~
16 ~~the day the county judge/executive received the recommendations under~~
17 ~~paragraph (a)2. of this subsection and made no appointment therefrom]. Any~~
18 ~~person appointed in accordance with this subsection[paragraph] shall be~~
19 ~~committed to the provision of library services and living in the county in~~
20 ~~which the vacancy occurred.[The county judge/executive shall notify the~~
21 ~~Department for Libraries and Archives of the name of any individual~~
22 ~~appointed in the manner set out in this paragraph.]~~

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