

1 AN ACT relating to library district boards.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 173.480 is amended to read as follows:

4 **(1)** Upon the creation of a district, the fiscal court of each county in the district shall at
5 once notify the Department for Libraries and Archives of the establishment of the
6 district and shall forward to the department a copy of the petition required pursuant
7 to KRS 173.470. The Department for Libraries and Archives shall then recommend
8 to the county judge/executive of each county in the district the names of suitable
9 persons from among the signers of the petition to be appointed to the board. The
10 Department for Libraries and Archives in recommending persons to the county
11 judge/executive for appointment to the board shall recommend twice as many
12 persons for each county as the county is entitled to have members appointed, and
13 the county judge/executive shall **either:**

14 **(a)** Immediately, with the approval of the fiscal court, make the selection from
15 those recommended; **or**

16 **(b) If, in the judgment of the county judge/executive, any of the persons**
17 **recommended by the Department for Libraries and Archives are unsuitable,**
18 **then the county judge/executive may appoint, with the approval of the fiscal**
19 **court, the individuals of his or her choosing, whether or not the individuals**
20 **signed the petition, no later than thirty (30) days after the day the county**
21 **judge/executive received the recommendations. The county judge/executive**
22 **shall notify the Department for Libraries and Archives of the name of any**
23 **individual appointed in the manner set out in this paragraph.**

24 **(2)** Where the district consists of one (1) county, the county judge/executive shall
25 appoint five (5) persons from that county as members. The Department for Libraries
26 and Archives shall prescribe by regulation the number of board members when the
27 district consists of more than one (1) county, provided that the board shall consist of

1 not less than one (1) nor more than four (4) members from each county, each county
 2 having such number of members as the proportion of its population bears to the
 3 total population in the district, and that the total membership of the board consists
 4 of not less than five (5) members.

5 **(3)** Where a county joins an already established district, the Department for Libraries
 6 and Archives shall, from among the signers of the petition, recommend to the
 7 county judge/executive of each county included in the new district for the first time
 8 twice as many persons for appointment to the board as the county is entitled to have
 9 appointed, and the county judge/executive shall either:

10 (a) Select the members for the county from this list; or

11 (b) If, in the judgment of the county judge/executive, any of the persons
 12 recommended by the Department for Libraries and Archives are unsuitable,
 13 then the county judge/executive may appoint, with the approval of the fiscal
 14 court, the individuals of his or her choosing, whether or not the individuals
 15 signed the petition, no later than thirty (30) days after the day the county
 16 judge/executive received the recommendations. The county judge/executive
 17 shall notify the Department for Libraries and Archives of the name of any
 18 individual appointed in the manner set out in this paragraph.

19 The terms of the members of the counties composing the previously existing district
 20 shall expire immediately upon the organization of the new board and such vacancies
 21 shall be filled as provided in KRS 173.490.

22 ➔Section 2. KRS 173.490 is amended to read as follows:

23 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a
 24 term of two (2) years, one-third (1/3) for a term of three (3) years and one-
 25 third (1/3) for a term of four (4) years. Where the board consists of a number
 26 of members not divisible by three (3), one-third (1/3) of the next higher
 27 number divisible by three (3), shall serve for a term of two (2) years, one-third

1 (1/3) for a term of three (3) years and the remaining number shall serve for a
 2 term of four (4) years. Thereafter, as their terms expire, **the board shall make**
 3 **recommendations on** their successors, **who** shall be **appointed as set out in**
 4 **paragraph (b) of this subsection** [~~recommended by the board~~].

5 **(b)** The board shall recommend two (2) persons committed to the provision of
 6 library services to the Department for Libraries and Archives, for each
 7 vacancy. The names shall be forwarded to the Department for Libraries and
 8 Archives and the state librarian and commissioner shall recommend those
 9 names to the county judge/executive. The county judge/executive shall **either:**

10 **1.** Immediately, with the approval of the fiscal court, make his selection
 11 from those recommended; **or**

12 **2. If, in the judgment of the county judge/executive, any of the persons**
 13 **named by the board and recommended by the state librarian and**
 14 **commissioner are unsuitable, then the county judge/executive may**
 15 **appoint, with the approval of the fiscal court, any individual of his or**
 16 **her choosing no later than thirty (30) days after the day the county**
 17 **judge/executive received the recommendations. The county**
 18 **judge/executive shall notify the Department for Libraries and Archives**
 19 **of the name of any individual appointed in the manner set out in this**
 20 **subparagraph.**

21 **(c)** Board members thus appointed shall serve a term of four (4) years each.
 22 Trustees may serve for two (2) consecutive terms after which they shall not
 23 succeed themselves. They may be reappointed no earlier than twelve (12)
 24 months following the end of their last service. The members shall hold office
 25 until their respective successors are appointed and qualified. After absence of
 26 a trustee from four (4) regular monthly meetings of the board during any one
 27 (1) year of the trustee's term, the trustee shall be considered to have

1 automatically resigned from the board. An advisory board may be appointed
2 and serve as specified in the bylaws of the board of trustees.

3 (2) Any vacancy occurring in the terms of office of members shall be filled for the
4 unexpired term by the county judge/executive, with the approval of the fiscal court,
5 by appointment *either:*

6 *(a)* On recommendation of the state librarian and commissioner of two (2) names
7 of persons committed to the provision of library services and living in the
8 county in which the vacancy occurred; *or*

9 *(b) At the discretion of the county judge/executive of a person not named by the*
10 *state librarian and commissioner if, in the judgment of the county*
11 *judge/executive, any of the names recommended by the state librarian and*
12 *the commissioner are unsuitable. Any person appointed in accordance with*
13 *this paragraph shall be committed to the provision of library services and*
14 *living in the county in which the vacancy occurred. The county*
15 *judge/executive shall notify the Department for Libraries and Archives of*
16 *the name of any individual appointed in the manner set out in this*
17 *paragraph.*

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

19 ➔Section 3. KRS 173.725 is amended to read as follows:

20 (1) *(a)* Upon the creation of a district, the fiscal court of each county in the district
21 shall at once notify the Department for Libraries and Archives of the
22 establishment of the district and shall forward to the department a copy of the
23 petition required pursuant to KRS 173.720. The Department for Libraries and
24 Archives shall then recommend to the county judge/executive of each county
25 in the district the names of suitable persons from among the signers of the
26 petition to be appointed to the board. The Department for Libraries and
27 Archives in recommending persons to the county judge/executive for

1 appointment to the board shall recommend twice as many persons for each
2 county as the county is entitled to have members appointed, and the county
3 judge/executive shall, with the approval of the fiscal court, **either:**

- 4 **1.** Immediately make the selection from those recommended; **or**
5 **2.** **If, in the judgment of the county judge/executive, any of the persons**
6 **recommended by the Department for Libraries and Archives are**
7 **unsuitable, then the county judge/executive may appoint, with the**
8 **approval of the fiscal court, the individuals of his or her choosing,**
9 **whether or not the individuals signed the petition, no later than thirty**
10 **(30) days after the day the county judge/executive received the**
11 **recommendations. The county judge/executive shall notify the**
12 **Department for Libraries and Archives of the name of any individual**
13 **appointed in the manner set out in this subparagraph.**

14 **(b)** Where the district consists of one (1) county, the county judge/executive shall
15 appoint five (5) persons from that county as members. The Department for
16 Libraries and Archives shall prescribe by regulation the number of board
17 members when the district consists of more than one (1) county, provided that
18 the board shall consist of not less than one (1) nor more than four (4) members
19 from each county, each county having such number of members as the
20 proportion of its population bears to the total population in the district, and
21 that the total membership of the board consists of not less than five (5)
22 members.

23 **(c)** Where a county joins an already established district, the Department for
24 Libraries and Archives shall, from among the signers of the petition,
25 recommend to the county judge/executive of each county included in the new
26 district for the first time twice as many persons for appointment to the board
27 as the county is entitled to have appointed, and the county judge/executive

1 shall either:

2 1. Select the members for the county from this list; or

3 2. *If, in the judgment of the county judge/executive, any of the persons*
 4 *recommended by the Department for Libraries and Archives are*
 5 *unsuitable, then the county judge/executive may appoint, with the*
 6 *approval of the fiscal court, the individuals of his or her choosing,*
 7 *whether or not the individuals signed the petition, no later than thirty*
 8 *(30) days after the day the county judge/executive received the*
 9 *recommendations. The county judge/executive shall notify the*
 10 *Department for Libraries and Archives of the name of any individual*
 11 *appointed in the manner set out in this subparagraph.*

12 The terms of the members of the counties composing the previously existing
 13 district shall expire immediately upon the organization of the new board and
 14 such vacancies shall be filled as provided in KRS 173.730.

15 (2) In making recommendations and appointments under subsection (1) of this section
 16 and KRS 173.730, the Department for Libraries and Archives and the county
 17 judge/executive shall attempt to assure, to the extent permitted by the county's
 18 entitlement to board members, that the board includes members from different
 19 geographical areas, and from both cities and unincorporated areas, of the county.

20 ➔Section 4. KRS 173.730 is amended to read as follows:

21 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a
 22 term of two (2) years, one-third (1/3) for a term of three (3) years and one-
 23 third (1/3) for a term of four (4) years. Where the board consists of a number
 24 of members not divisible by three (3), one-third (1/3) of the next higher
 25 number divisible by three (3), shall serve for a term of two (2) years, one-third
 26 (1/3) for a term of three (3) years and the remaining number shall serve for a
 27 term of four (4) years. Thereafter, as their terms expire, *the board shall make*

1 recommendations on their successors, who shall be appointed as set out in
2 paragraph (b) of this subsection [~~recommended by the board~~].

3 (b) The board shall recommend two (2) persons committed to the provision of
4 library services to the Department for Libraries and Archives, for each
5 vacancy. The state librarian and commissioner shall recommend those names
6 to the county judge/executive. The county judge/executive shall either:

7 1. Immediately, with the approval of the fiscal court, make the selection
8 from those recommended; or

9 2. If, in the judgment of the county judge/executive, any of the persons
10 named by the board and recommended by the state librarian and
11 commissioner are unsuitable, then the county judge/executive may
12 appoint, with the approval of the fiscal court, any individual of his or
13 her choosing no later than thirty (30) days after the day the county
14 judge/executive received the recommendation. The county
15 judge/executive shall notify the Department for Libraries and Archives
16 of the name of any individual appointed in the manner set out in this
17 subparagraph.

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

27 (2) Any vacancy occurring in the terms of office of members shall be filled for the

1 unexpired term by the county judge/executive, with the approval of the fiscal court,
2 by appointment *either:*

3 *(a)* On recommendation of the state librarian and commissioner of two (2)
4 persons interested in the provision of library services and living in the county
5 in which the vacancy occurred; *or*

6 *(b) At the discretion of the county judge/executive of a person not named by the*
7 *state librarian and commissioner, if, in the judgment of the county*
8 *judge/executive, any of the names recommended by the state librarian and*
9 *the commissioner are unsuitable. Any person appointed in accordance with*
10 *this paragraph shall be committed to the provision of library services and*
11 *living in the county in which the vacancy occurred. The county*
12 *judge/executive shall notify the Department for Libraries and Archives of*
13 *the name of any individual appointed in the manner set out in this*
14 *paragraph.*

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