

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)** **Appoint, with the approval of the fiscal court, the individuals of his or her**  
17 **choosing, whether or not the individuals signed the petition, no later than**  
18 **thirty (30) days after the day the county judge/executive received the**  
19 **recommendations. The county judge/executive shall notify the Department**  
20 **for Libraries and Archives of the name of any individual appointed in the**  
21 **manner set out in this paragraph.**

22 **(2)** Where the district consists of one (1) county, the county judge/executive shall  
23 appoint five (5) persons from that county as members. The Department for Libraries  
24 and Archives shall prescribe by regulation the number of board members when the  
25 district consists of more than one (1) county, provided that the board shall consist of  
26 not less than one (1) nor more than four (4) members from each county, each county  
27 having such number of members as the proportion of its population bears to the

1 total population in the district, and that the total membership of the board consists  
2 of not less than five (5) members.

- 3 **(3)** Where a county joins an already established district, the Department for Libraries  
4 and Archives shall, from among the signers of the petition, recommend to the  
5 county judge/executive of each county included in the new district for the first time  
6 twice as many persons for appointment to the board as the county is entitled to have  
7 appointed, and the county judge/executive shall either:  
8 (a) Select the members for the county from this list; or  
9 (b) Appoint, with the approval of the fiscal court, the individuals of his or her  
10 choosing, whether or not the individuals signed the petition, no later than  
11 thirty (30) days after the day the county judge/executive received the  
12 recommendations. The county judge/executive shall notify the Department  
13 for Libraries and Archives of the name of any individual appointed in the  
14 manner set out in this paragraph.

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

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

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

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

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

8       **2.** **Appoint, with the approval of the fiscal court, any individual of his or**  
9       **her choosing no later than thirty (30) days after the day the county**  
10       **judge/executive received the recommendations. 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       **(c)** Board members thus appointed shall serve a term of four (4) years each.  
15       Trustees may serve for two (2) consecutive terms after which they shall not  
16       succeed themselves. They may be reappointed no earlier than twelve (12)  
17       months following the end of their last service. The members shall hold office  
18       until their respective successors are appointed and qualified. After absence of  
19       a trustee from four (4) regular monthly meetings of the board during any one  
20       (1) year of the trustee's term, the trustee shall be considered to have  
21       automatically resigned from the board. An advisory board may be appointed  
22       and serve as specified in the 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 court,  
25       by appointment **either:**

26       **(a)** On recommendation of the state librarian and commissioner of two (2) names  
27       of persons committed to the provision of library services and living in the

1 county in which the vacancy occurred; or

2 (b) At the discretion of the county judge/executive of a person not named by the  
 3 state librarian and commissioner. Any person appointed in accordance with  
 4 this paragraph shall be committed to the provision of library services and  
 5 living in the county in which the vacancy occurred. The county  
 6 judge/executive shall notify the Department for Libraries and Archives of  
 7 the name of any individual appointed in the manner set out in this  
 8 paragraph.

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

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

11 (1) (a) Upon the creation of a district, the fiscal court of each county in the district  
 12 shall at once notify the Department for Libraries and Archives of the  
 13 establishment of the district and shall forward to the department a copy of the  
 14 petition required pursuant to KRS 173.720. The Department for Libraries and  
 15 Archives shall then recommend to the county judge/executive of each county  
 16 in the district the names of suitable persons from among the signers of the  
 17 petition to be appointed to the board. The Department for Libraries and  
 18 Archives in recommending persons to the county judge/executive for  
 19 appointment to the board shall recommend twice as many persons for each  
 20 county as the county is entitled to have members appointed, and the county  
 21 judge/executive shall, with the approval of the fiscal court, either:

22 1. Immediately make the selection from those recommended; or

23 2. Appoint the individuals of his or her choosing, whether or not the  
 24 individuals signed the petition, no later than thirty (30) days after the  
 25 day the county judge/executive received the recommendations. The  
 26 county judge/executive shall notify the Department for Libraries and  
 27 Archives of the name of any individual appointed in the manner set

1                    **out in this subparagraph.**

2            **(b)** Where the district consists of one (1) county, the county judge/executive shall  
3            appoint five (5) persons from that county as members. The Department for  
4            Libraries and Archives shall prescribe by regulation the number of board  
5            members when the district consists of more than one (1) county, provided that  
6            the board shall consist of not less than one (1) nor more than four (4) members  
7            from each county, each county having such number of members as the  
8            proportion of its population bears to the total population in the district, and  
9            that the total membership of the board consists of not less than five (5)  
10           members.

11           **(c)** Where a county joins an already established district, the Department for  
12           Libraries and Archives shall, from among the signers of the petition,  
13           recommend to the county judge/executive of each county included in the new  
14           district for the first time twice as many persons for appointment to the board  
15           as the county is entitled to have appointed, and the county judge/executive  
16           shall **either:**

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

18           **2.** **Appoint, with the approval of the fiscal court, the individuals of his or**  
19           **her choosing, whether or not the individuals signed the petition, no**  
20           **later than thirty (30) days after the day the county judge/executive**  
21           **received the recommendations. The county judge/executive shall**  
22           **notify the Department for Libraries and Archives of the name of any**  
23           **individual appointed in the manner set out in this subparagraph.**

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

27           (2) In making recommendations and appointments under subsection (1) of this section

1 and KRS 173.730, the Department for Libraries and Archives and the county  
 2 judge/executive shall attempt to assure, to the extent permitted by the county's  
 3 entitlement to board members, that the board includes members from different  
 4 geographical areas, and from both cities and unincorporated areas, of the county.

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

6 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a  
 7 term of two (2) years, one-third (1/3) for a term of three (3) years and one-  
 8 third (1/3) for a term of four (4) years. Where the board consists of a number  
 9 of members not divisible by three (3), one-third (1/3) of the next higher  
 10 number divisible by three (3), shall serve for a term of two (2) years, one-third  
 11 (1/3) for a term of three (3) years and the remaining number shall serve for a  
 12 term of four (4) years. Thereafter, as their terms expire, ***the board shall make***  
 13 ***recommendations on*** their successors, ***who*** shall be ***appointed as set out in***  
 14 ***paragraph (b) of this subsection***~~[-recommended by the board].~~

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. The state librarian and commissioner shall recommend those names  
 18 to the county judge/executive. The county judge/executive shall ***either:***

19 1. Immediately, with the approval of the fiscal court, make the selection  
 20 from those recommended; ***or***

21 2. ***Appoint, with the approval of the fiscal court, any individual of his or***  
 22 ***her choosing no later than thirty (30) days after the day the county***  
 23 ***judge/executive received the recommendation. The county***  
 24 ***judge/executive shall notify the Department for Libraries and Archives***  
 25 ***of the name of any individual appointed in the manner set out in this***  
 26 ***subparagraph.***

27 (c) Board members thus appointed shall serve a term of four (4) years each.

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

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

12 (a) On recommendation of the state librarian and commissioner of two (2)  
13 persons interested in the provision of library services and living in the county  
14 in which the vacancy occurred; or

15 (b) At the discretion of the county judge/executive of a person not named by the  
16 state librarian and commissioner. Any person appointed in accordance with  
17 this paragraph shall be committed to the provision of library services and  
18 living in the county in which the vacancy occurred. The county  
19 judge/executive shall notify the Department for Libraries and Archives of  
20 the name of any individual appointed in the manner set out in this  
21 paragraph.

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