

By Mr. Hermann of North Andover, petition of Joseph N. Hermann and other members of the General Court relative to the terms and conditions of membership on the Board of Library Commissioners, State Administration.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

### AN ACT RELATIVE TO THE TERMS AND CONDITIONS OF LIBRARY COMMISSIONERS.

1 *Whereas*, The deferred operation of this act would tend to defeat  
2 its purpose, which is to immediately change the terms and condi-  
3 tions of Library Commissioners, therefore it is hereby declared to  
4 be an emergency law, necessary for the immediate preservation of  
5 the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 78, Section 14 of the General Laws, as  
2 most recently amended by Chapter 565 of the Acts of 1977, is  
3 hereby amended by striking out section 14 and inserting in place  
4 thereof the following section: —

5 *Section 14.* There shall be a board of library commissioners for  
6 the commonwealth, in this section and in sections fifteen to thirty,  
7 inclusive, called the board, consisting of nine residents of the  
8 commonwealth appointed by the governor two of whom shall  
9 come from Berkshire, Hampden, Hampshire, or Franklin coun-  
10 ties; two of whom shall come from Worcester County; four of  
11 whom shall come from either Suffolk, Norfolk, Essex, Middlesex,  
12 Plymouth, Bristol, Barnstable, Dukes, or Nantucket counties, and  
13 one of whom shall come from either or among any of the aforemen-  
14 tioned counties. Upon the expiration of the term of office of a  
15 member of the board, his successor shall be appointed for a term of  
16 five years, except that appointments of successors to five terms

17 expiring during calendar year 1987 shall be made for staggered  
18 terms as follows: two appointments for two-year terms; two  
19 appointments for three-year terms; one appointment for a four-  
20 year term. A vacancy shall be filled by the governor for the  
21 remainder of the term. The chairman of the board of library  
22 commissioners shall forthwith notify the governor of any such  
23 vacancy.

24 The members of the board shall serve without compensation but  
25 shall be reimbursed for their necessary expenses incurred in the  
26 performance of their duties.

27 No person shall be appointed to serve more than two consecutive  
28 terms. Prior service on the board for a period of less than three  
29 years resulting from an initial appointment or an appointment for  
30 the remainder of an unexpired term shall not be considered a full  
31 term.

32 No member of said board shall be employed by or derive direct  
33 compensation from any library media center in the commonwealth  
34 as defined under Chapter 78, Section 19E, or serve as a member of  
35 the governing board of any such library media center.

36 A member of the board shall cease to be a member if such  
37 member ceases to be qualified for appointment or if he is absent  
38 from five regularly scheduled meetings during any calendar year.  
39 The chairman of the board shall forthwith notify the governor of  
40 any such disqualification.

41 The board shall prepare and adopt by-laws for the conduct of its  
42 business. Said by-laws shall provide for the election of one of its  
43 members to be chairman of the board, establish the term of office,  
44 and provide for the ways and means for the election of other  
45 officers and their terms of office as deemed necessary by the board.

46 The board shall appoint a director and determine his duties and  
47 responsibilities and may at its discretion remove him. The board  
48 shall, upon recommendation of the director, appoint a deputy  
49 director and determine his duties and responsibilities and may at its  
50 discretion remove him. The director and deputy director shall,  
51 subject to appropriation, receive such salary as the board may  
52 determine and such other perquisites as the board may approve.  
53 The director and the deputy director shall not be subject to the  
54 provisions of section nine A of chapter thirty or of chapter  
55 thirty-one.

56 Subject to appropriation and to the approval of the board the  
57 director shall appoint or release such professional and subprofes-  
58 sional staff as the functions, powers, and duties of the board shall  
59 require; provided, however, that the provisions of said section nine  
60 A of said chapter thirty and said chapter thirty-one shall not apply  
61 to any such appointment or release.

1 SECTION 2. Section 19A of Chapter 78 of the General Laws,  
2 as most recently amended by chapter 99 of the acts of 1980, is  
3 hereby further amended by striking out clauses (1) and (2) and  
4 inserting in place thereof the following two clauses: —

5 (1) To each town having a population of less than two thousand  
6 five hundred a sum equivalent to the amount appropriated by it for  
7 free public library service during the preceding year, but in no event  
8 more than seventeen hundred fifty dollars.

9 (2) To each city and to each town having a population of two  
10 thousand five hundred or more, a sum not exceeding seventy cents  
11 for each resident therein; provided, that such city or town appro-  
12 priates during the preceding year for its free public library service at  
13 least seventeen hundred fifty dollars.

1 SECTION 3. Section 19A of Chapter 78 of the General Laws,  
2 as most recently amended by Chapter 99 of the Acts of 1980, is  
3 further amended by adding clause (3) as follows: —

4 (3) In addition to the sums provided for above, and to offset the  
5 costs of extending service to non-residents as required by Section  
6 19B(6) below, there shall be appropriated annually the amount of  
7 twenty-five cents for each resident of the commonwealth to be paid  
8 from the General Fund to libraries in accordance with criteria and  
9 formulae to be based upon total non-resident loans and non-  
10 resident circulation as a percentage of total circulation according  
11 to data certified by the Board.

1 SECTION 4. Section 19B of chapter 78 of the General Laws, as  
2 appearing in section 1 of chapter 760 of the acts of 1960, is hereby  
3 amended by striking out clauses (4) and (5) and inserting in place  
4 thereof the following two clauses: —

5 (4) employ certified personnel in accordance with regulations  
6 promulgated by the board of library commissioners.

7 (5) expend a reasonable portion of the library's total budget on  
8 library materials.

1 SECTION 5. Section 19C of Chapter 78 of the General Laws,  
2 as most recently amended by section 278 of chapter 351 of the acts  
3 of 1981, is hereby further amended by striking out clause (3) and  
4 inserting in place thereof the following clause: —

5 (3) Any library system providing service under an approved  
6 plan shall be entitled to receive annually in state aid an amount per  
7 capita of its served population per square mile of the area served in  
8 accordance with the following schedule: —

9	Over 1,000 population	\$ .85 per capita
10	750-999 population	.95 per capita
11	Under 750 population	1.15 per capita