

HOUSE No. 5370

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 1988.

The committee on State Administration, to whom were referred the petition (accompanied by bill, House, No. 3334) of Joseph N. Hermann and other members of the House relative to the terms and conditions of membership on the Board of Library Commissioners, and the petition (accompanied by bill, House, No. 3337) of Joseph N. Hermann and other members of the General Court for legislation to establish minimum standards for state grants to public libraries, reports recommending that the accompanying bill (House, No. 5370) ought to pass.

For the committee,

JOSEPH N. HERMANN.

The Commonwealth of Massachusetts

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

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

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to immediately change the terms and
3 conditions of Library Commissioners, therefore it is hereby
4 declared to be an emergency law, necessary for the immediate
5 preservation of 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
10 counties; two of whom shall come from Worcester County; four
11 of whom shall come from either Suffolk, Norfolk, Essex,
12 Middlesex, Plymouth, Bristol, Barnstable, Dukes, or Nantucket
13 counties, and one of whom shall come from either or among any
14 of the aforementioned counties. Upon the expiration of the term
15 of office of a member of the board, his successor shall be appointed
16 for a term of five years, except that appointments of successors
17 to five terms expiring during calendar year 1987 shall be made
18 for staggered terms as follows: two appointments for two-year
19 terms; two appointments for three-year terms; one appointment
20 for a four-year term. A vacancy shall be filled by the governor
21 for the 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
25 but shall be reimbursed for their necessary expenses incurred in
26 the performance of their duties.

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

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

41 The board shall prepare and adopt by-laws for the conduct of
42 its business. Said by-laws shall provide for the election of one of
43 its members to be chairman of the board, establish the term of
44 office, 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
50 its 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 thirty-
55 one.

56 Subject to appropriation and to the approval of the board the
57 director shall appoint or release such professional and
58 subprofessional staff as the functions, powers, and duties of the
59 board shall require; provided, however, that the provisions of said
60 section nine A of said chapter thirty and said chapter thirty-one
61 shall not apply 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
7 for free public library service during the preceding year, but in
8 no event 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
12 appropriates during the preceding year for its free public library
13 service at least seventeen hundred fifty dollars.