

**TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES
CHAPTER 25. STATE AID GRANTS TO PUBLIC LIBRARIES**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

405:25-1-3 [AMENDED]

AUTHORITY:

Oklahoma Department of Libraries Board; 65 O.S. § 2-106(m)

ADOPTION:

February 18, 2021

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2022, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

405:25-1-3 [AMENDED]

Gubernatorial approval:

July 1, 2020

Register publication:

37 Ok Reg 868

Docket number:

20-586

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

One of the ways the Oklahoma Department of Libraries supports quality library services is through the disbursement of State Aid Grants to Public Libraries. Libraries become eligible to receive disbursements by meeting the requirements outlined in the Oklahoma Administrative Code. Most of the state's public libraries continue to be impacted by the COVID-19 catastrophic health emergency in 2021 and will not be eligible for state aid in FY 2022 which is based on FY 2021 operations.

According to OAC 405:25-1-3(2)(B) [User service requirements], "Libraries shall be open to the public the minimum number of hours stipulated in the following schedule. These hours shall be maintained year round." In response to the Governor's emergency declarations and guidelines promoted by public health authorities, all of the state's public libraries reduced their hours and made other adjustments to operations.

An additional requirement that will not be met as a result of the response to COVID-19 relates to finance requirements. OAC 405:25-1-3(3)(D) [Administration of finance requirements] states, "Local government must continue to expend an amount for library service, i.e., operating expenditures, not less than that of the preceding fiscal year." Municipal libraries have reported budget cuts due to the pandemic.

The adjustments described above allowed libraries to provide services despite staffing shortages and/or budget cuts; however, many will now fail to meet certain minimum

requirements for the year. The purpose of state aid is to support public libraries. Without the ability to modify the rules, Oklahoma's public libraries will not be eligible to receive disbursements for FY 2022.

GIST/ANALYSIS:

The proposed rule adds language that allows the Oklahoma Department of Libraries Board (ODL) and the ODL Director to determine when emergency or extraordinary circumstances exist that render a public library or libraries ineligible for state aid funding and the authority to modify the requirements that must be met in order to be eligible for state aid funding. Emergencies are declared by the President of the United States or the Governor of the State of Oklahoma. Examples of extraordinary circumstances are a significant fire or flooding in library facilities. Under these conditions that are outside the control of the local government, the ODL Director will present a recommendation for specific requirement(s) that can be suspended or modified to allow the library to receive state aid funding that otherwise it would not be eligible to receive as a result of the stated condition. The board may accept the recommendation of the ODL Director or deny the recommendation. Current rules provide no allowance for emergency or extraordinary circumstances.

CONTACT PERSON:

Jan Davis, Administrative Archivist, Oklahoma Department of Libraries, 200 NE 18th Street, Oklahoma City, OK 73105, 405-522-3191, jan.davis@libraries.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F):

405:25-1-3. Eligibility for State aid grants to public libraries

Eligibility for state aid grants to public libraries is governed by the ~~following~~ requirements listed below: Eligibility may be impacted by emergency declarations by the President of the United States or the Governor of Oklahoma, public health, public safety, or other extraordinary circumstances as determined by the Director of the Oklahoma Department of Libraries and the ODL Board. Under those conditions, the Director will present recommendations to the ODL Board to modify application of specific User Service or Administration and Finance requirements. The ODL Board has the authority to accept or deny the recommendations.

(1) **Basic requirements.**

- (A) Libraries must meet the definition of a public library as defined in 65 O.S. § 1-104.
- (B) Libraries must be legally established and operating according to Oklahoma Statutes, Title 65, Article 4, § 101 and Title 11, Article 31; and Article 10, § 10A of the Oklahoma Constitution.

(2) **User service requirements.**

- (A) Libraries must provide free library service.
- (B) Libraries shall be open to the public the minimum number of hours stipulated in the following schedule. These hours shall be maintained year round. Single county systems organized under 65 O.S., §§ 151 and 552 which have

branch libraries may aggregate their hours, if, discounting overlap, the citizens are served according to the following schedule:

- (i) cities and towns under 2,000 population will be open 15 hours a week. The schedule will include at least two hours after 5 p.m. each week;
- (ii) cities and towns of at least 2,000 but less than 5,000 people, will be open 30 hours a week. The schedule will include at least two hours after 5 p.m. each week and weekend hours are recommended;
- (iii) cities with at least 5,000 but less than 10,000 people, will be open 35 hours a week. The schedule will include at least four hours after 5 p.m. each week and three weekend hours;
- (iv) cities with at least 10,000, but less than 25,000, will be open 50 hours a week. The schedule will include at least eight hours after 5 p.m. each week and four weekend hours; and
- (v) cities with 25,000 or more will be open 60 hours a week. The schedule will include a minimum of five weekend hours.

(C) Libraries must have a telephone located in the library with a listed number.

(D) All libraries and branches must provide internet access to the public. The library shall have a written internet use policy.

(E) All libraries shall at a minimum offer programming for youth under 18 years of age.

(F) A public library shall have a collection of materials (e.g., books, periodicals, audio-visual materials, etc.) that is circulated to the community.

(i) Libraries shall provide bibliographic access to its collection for customers.

(ii) The library shall offer interlibrary loan to customers and participate in interlibrary loan networks or consortia to borrow materials not held in the library upon request for customers. Libraries shall promote the service to customers through promotional materials and/or signs in the library and on its website to make customers aware of the service.

(iii) The library shall do an age and condition study on its collection every four years as determined by the Oklahoma Department of Libraries and report the findings to its library board and the Oklahoma Department of Libraries.

(3) Administration and finance requirements.

(A) Legally established libraries that are not part of a library system must complete and submit the Oklahoma Department of Libraries' online annual report for the preceding fiscal year by August 15th and library systems must submit such reports by October 1st.

(B) Libraries must have a board of trustees appointed by the city and or county government officials which holds regularly scheduled meetings at least quarterly and all libraries must file annually a list of trustees, terms of office and meeting times with the Oklahoma Department of Libraries. The board shall approve the policies by which the library operates. The board shall review all required policies within a four year cycle as determined by the Oklahoma Department of Libraries and shall report all current policies to the Oklahoma Department of Libraries. Required policies are:

- (i) Circulation policy which shall include interlibrary loan;
 - (ii) Library materials selection policy; and
 - (iii) Internet use policy.
- (C) Libraries must receive operating income from local government sources, i.e. town, city or county. A public library is primarily supported by either municipal funds or a direct library levy on a permanent basis.
- (D) Local government must continue to expend an amount for library service, i.e., operating expenditures, not less than that of the preceding fiscal year, as reported on the Annual Report for Public Libraries. Public library systems organized under 65 O.S. Sections 151-161 and Sections 551-561, Sections 4-101-107.1 and Sections 4-201-206 may not reduce their millage levy. Exemption waivers to drop in operating income based on special circumstances shall be considered.
 - (i) If a city or county has less total income for the most recent fiscal year as compared to the immediate fiscal year, exemption to the requirement in (D) of this paragraph may be made. The Oklahoma Department of Libraries will then supply forms for city or county officials to certify that the library's budget sustained no greater reduction than the total percentage reduction of income of the city or county budget.
 - (ii) The requirement in (D) of this paragraph may be waived in those years when the budget is decreased according to (i) of this subparagraph.
- (E) Libraries must have paid permanent employees who are employees of the town, city, county or system. Town, city, county or system must pay said employees at least the federally required minimum wage and meet the requirements of the Fair Labor Standards Act.
- (F) All library directors and all personnel who work more than twenty (20) hours a week must attend at least one continuing education program each year. Staff in library systems or public libraries serving over 25,000 may meet this requirement with in-house training. Personnel are exempt if they have been employed at the library less than one (1) year.
- (G) Multi-county library systems must abide by the Oklahoma Department of Libraries' rules concerning systems as set forth in Chapter 10 of this title.
- (H) Libraries must file with the Oklahoma Department of Libraries, Office of Library Development, a report of expenditures made with state aid grant funds each preceding fiscal year by August 15th and library systems must submit such reports by October 1st.
- (I) Libraries must have a written statement of purpose.
- (J) Libraries shall provide annual library visits each year on the annual report to the Oklahoma Department of Libraries.
- (K) Libraries must provide bibliographic access to their collections.
- (L) Libraries serving a population of 10,000 or more must have submitted to the Oklahoma Department of Libraries a long range plan written or updated within the last 3 years. This document must address future directions of the library for services and resources, and must be approved by the local library board.
- (M) Libraries that are a department of municipal government in cities serving a population of 25,000 or more must employ a director with a Master's Degree in

Library and Information Science from a library school accredited by the American Library Association or an alternate degree as follows. A comparable master's degree in business, education, school library media, or public administration, with a minimum of five years of prior supervisory library experience shall also be acceptable. For those with an alternate degree but without prior experience working in a library, the director shall complete the Institute in Public Librarianship Certification Program within two years of employment as director.

(N) Libraries will evaluate, deselect and maintain their collections ensuring that their collections include up-to-date and useful materials and report the figures to its library board and to the Oklahoma Department of Libraries.

(O) Libraries shall submit performance measures to the Oklahoma Department of Libraries on a schedule as determined by the Oklahoma Department of Libraries.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to Chapter 25, State Aid Grants to Public Libraries, which were adopted by the Oklahoma Department of Libraries Board on February 18, 2021 under emergency rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such rules were adopted in substantial compliance with the Administrative Procedures Act.

Melody A. Kellogg
Director
Oklahoma Department of Libraries
February 18, 2021