

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 520
Department or Agency: Alabama Public Library Service Library Development Division
Rule No.: 520-2-2-.03
Rule Title: Library Establishment, Policy And Service Requirements
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Nancy C. Pack
Nancy Pack

Date

Wednesday, January 17, 2024

REC'D & FILED
JAN 17, 2024
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA PUBLIC LIBRARY SERVICE LIBRARY DEVELOPMENT DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Public Library Service

RULE NO. & TITLE: 520-2-2-.03 Library Establishment, Policy And Service Requirements

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The proposed Rule change will update State Aid policy requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons are invited to present comments on the proposed rulemaking action described above at any time during the ninety (90) day period following publication of this notice. Written comments may be mailed or hand-delivered to the address below:

Vanessa Carr
Executive Secretary
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36117

Written comments should be received at the Alabama Public Library Service by 4:30 p.m. CST on April 29, 2024. A public hearing will be held on April 30, 2024 at 10:00 a.m. CST at the above address. Requests to make oral comments should be sent to vcarr@apls.state.al.us no later than 4:30 p.m. on April 29, 2024. The order of oral comments will be established based on the date(s) that the requests are received. Oral comments will be limited to three (3) minutes.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, April 30, 2024

CONTACT PERSON AT AGENCY:

Nancy C. Pack

Nancy C. Pack

Nancy Pack

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Library Establishment, Policy And Service Requirements.

To qualify for state aid, public libraries (whether or not they are members of systems) and public library systems must comply with the appropriate requirements as follows.

(1) A public library and a public library system must be legally established according to Code of Ala. 1975, §§11-90-(1-4). A copy of the ordinance or resolution establishing the public library and copies of public library system contracts must be on file with the Alabama Public Library Service (APLS).

(2) In order to receive state aid, a library board must:

- (a) employ a qualified library director;
- (b) notify APLS of official board appointments and the terms to be served within 30 days of the appointment;
- (c) designate at least two board members to complete APLS trustee training (effective 2021);
- (d) meet a minimum of four times a year;
- (e) have written bylaws governing its functions;
- (f) approve written policies for the public library

which cover the following:

- 1. Library objectives
- 2. Patrons
- 3. Personnel, including memberships in professional organizations, attendance at professional meetings, grievance procedures, job descriptions, performance evaluations, etc.
- 4. Cooperation with other libraries
- 5. Public relations
- 6. Materials selection policies
- 7. Regular services and special services to groups, the handicapped, nonresident borrowers, shut-ins, etc.
- 8. Overdue fines and other fees and charges
- 9. Gifts and memorials
- 10. Physical facilities
- 11. Physical location (and relocation of sexually explicit or other material deemed inappropriate for children or youth.
- 12. Advance approval of materials recommended, displayed, or otherwise actively promoted to children or youth.
- 13. Other

(g) approve a written five-year, long-range program of public library service which will be reviewed each year and updated as needed. The program should include as a minimum but not limited to:

- 1. The community's information needs and services
- 2. Staff development

- 3. Collection development
- 4. Facilities development
- 5. Technology development

(h) approve a written disaster/emergency plan which will be reviewed each year and updated as needed.

(3) All Directors, Board members, and/or designated staff of public libraries must attend at least two APLS-sponsored meetings per year either on-site or by videoconference. Eligible meetings include quarterly Administrators' Meetings (October, January, April, July) and the Children and Teen Services Annual Conference (i.e. "Summer Reading Kick-off"). Other eligible meetings are at the discretion of the APLS Director.

(4) The public library must not deny service to anyone on the basis of age, race, sex or creed. Exercising discretion in the location of sexually explicit material or other material deemed by the public library board to be inappropriate for children or youth does not constitute a denial of service on the basis of age. Taking age into account when recommending, displaying, or otherwise actively promoting library materials does not constitute a denial of service on the basis of age.

(5) A public library must be open to serve the public at least the specified number of hours per week based on the following scale:

MINIMUM HOURS OPEN	POPULATION SERVED
50	over 100,000
45	50,000 - 99,999
40	25,000 - 49,999
30	10,000 - 24,999
20	5,000 - 9,999
16	under 5,000

(6) If a public library system headquarters provides direct patron services on-site (as opposed to extension services provided off-site), the system headquarters must be open the number of hours required in (5) above, based on the population of the county in which the system headquarters is physically located.

(7) Each library must strive to have a well-balanced collection of not less than one volume per capita and not less than 1.5 currently useful items per capita. The term "item" is intended to include print and non-print materials.

(8) Any expenditure of public funds to the American Library Association must be approved by the governing board of the public library or public library system in an open, public meeting following advance public notice.

Author: Nancy C. Pack, Director

Statutory Authority: Code of Ala. 1975, §§41-8-(1-10).

History: Filed March 30, 1992. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed December 18, 2006; effective January 22, 2007. **Repealed and New Rule:** Filed September 21, 2009; effective October 26, 2009. **Repealed and New Rule:** Filed October 13, 2011; effective November 17, 2011. **Repealed and New Rule:** Filed May 16, 2012; effective June 20, 2012. **Repealed and New Rule:** Filed December 10, 2018; effective January 24, 2019. [Amended: Published _____ ; effective _____ .](#)