

TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES

CHAPTER 1. ADMINISTRATIVE RULES OF THE DIRECTOR

[Authority: 65 O.S., § 2-106(m); 75 O.S., §§ 302, 305, and 307]

[Source: Codified 12-27-91]

405:1-1-1. Purpose

The rules of this chapter are promulgated to provide administrative information for the Oklahoma Department of Libraries including its policy and operation.

405:1-1-2. Authority

The Director of the Oklahoma Department of Libraries receives rule making authority through 65 O.S., §3-113.1; 67 O.S., §212 (in certain cases, jointly with the Archives and Records Commission); and the Administrative Procedures Act, 75 O.S., §250 et. seq.

[Source: Amended at 16 Ok Reg 3038, eff 7-12-99]

405:1-1-3. Library Service

(a) *It shall be the policy of the State of Oklahoma to promote, support, and implement the development and maintenance of adequate public and special library facilities and services throughout the state in whatever forms and by whatever means may be most beneficial and feasible. Adequate library services are deemed to be necessary to the cultural, educational and economic development of the State of Oklahoma and to the health, safety and welfare of its people and to be the responsibility of government at all levels. (65 O.S. 1981, §1-102)*

(b) *It is the purpose of the Oklahoma Library Code to accomplish the policy of this subsection by providing for:*

- (1) Creation of the Oklahoma Department of Libraries to discharge the responsibility and exercise the authority of the State of Oklahoma for adequate library facilities and services in and for state government and throughout the state.*
- (2) Establishment, development and operation of libraries and library systems throughout the state with the goal of providing adequate library services to all the people of the state.*
- (3) Financial support for libraries with guidelines for maximum economy and effectiveness in use of all funds.*
- (4) Cooperation with other state agencies, federal agencies and private organizations in effecting the purposes of this Code. (65 O.S.1981, §1-103)*

405:1-1-4. Organization

The Oklahoma Department of Libraries is governed by a statutorily defined Board, 65 O.S. 2-101, et. seq. The powers and duties of the Board include appointing the Director of the Department and are set forth in 65 O.S., §2-106; rule making authority for the Board is specifically granted in 65 O.S., §2-106(m).

[Source: Amended at 16 Ok Reg 3038, eff 7-12-99]

405:1-1-5. Duties of Director

The Director shall be the administrative, executive, directing and supervising official of the Department under the supervision of and in accordance with policies established by the Board. [65 O.S. 1981, §3-104].

405:1-1-6. Meetings of the Board

By law, the Board meets every three months or upon special call [65 O. S., § 2-105]. Generally, the meetings are held at the Allen Wright Memorial Library Building, 200 N.E. 18th Street, Oklahoma City, Oklahoma 73105-3298, but may be held elsewhere.

[Source: Amended at 16 Ok Reg 3038, eff 7-12-99]

405:1-1-7. Open meetings

The Board conducts its business in accordance with: the Open Meetings Act, 25 O.S.Supp.1989, §301 et. seq.; the Open Records Act, 51 O.S. Supp.1989, §24A.1 et. seq.; and the Oklahoma Administrative Procedures Act, 75 O.S. Supp. 1989, §250 et. seq.

405:1-1-8. Director; records

The Oklahoma Department of Libraries is managed by a Director appointed by the Board and qualified pursuant to 65 O.S., §3-103. The Director is the State Librarian and the State Archivist, 65 O.S., §3-103. The Director is Secretary of the Board (an ex officio non voting member) and has custody of all files and records of the Board, 65 O.S., §2-104. The powers and duties of the Director are set forth in 65 O.S., §3-104.

[Source: Amended at 16 Ok Reg 3038, eff 7-12-99]

405:1-1-9. Office location; hours; information availability

- (a) The Oklahoma Department of Libraries is located in the Allen Wright Memorial Library Building, 200 N.E. 18th Street, Oklahoma City, Oklahoma 73105-3298 in the State Capitol area. Telephone numbers are 405/521-2502 and 800/522-8116.
- (b) All requests for information or petition should be addressed to the Director.
- (c) The Department is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

[Source: Amended at 39 Ok Reg 1899, eff 9-11-22]

405:1-1-10. Functions

The Department is empowered by statute to perform a wide range of functions. These are listed in 65 O.S. 1981, §3-105.

405:1-1-11. Structure of the Department

To carry out the functions of OAC 405:1-1-10, the Department is divided into four divisions: Administration, Services to Libraries, Services to Government, and Information Services. The Department acts as the administrative agency for the Archives and Records Commission and the Oklahoma Historical Records Advisory Board.

[Source: Amended at 16 Ok Reg 3038, eff 7-12-99; Amended at 39 Ok Reg 1899, eff 9-11-22]

405:1-1-12. Requests for promulgation, amendment, or repeal of a rule

- (a) Requests for promulgation, amendment, or repeal of a rule shall be made in writing to the Director of the Department. Requests shall give the text of a

proposed new rule or amendment, and cite such rules as are requested to be repealed or amended, and shall explain the reasons and justification for the request.

(b) Any resulting action to adopt a new rule or amendment or to repeal an existing rule shall be taken at an early date at an open hearing conducted in accordance with the notice and other requirements of the Administrative Procedures Act.

405:1-1-13. Petition for declaratory ruling

(a) Persons requesting the Director to make a declaratory ruling as to the applicability or interpretation of any rule or order pursuant to these rules shall address their written request to the Director of the Department.

(b) The request for declaratory ruling shall be placed upon the meeting agenda for consideration and action by the Director at a meeting scheduled to be held at an early date, and the interested party shall be given reasonable notice of the date, time, and place of such meeting, and shall be informed promptly in writing of the Director's ruling in the matter.

CHAPTER 3. ADMINISTRATIVE RULES OF THE BOARD

[Authority: 65 O.S., § 2-106(m); 75 O.S., §§ 302, 305, and 307]

[Source: Codified 12-27-91]

405:3-1-1. Purpose

The rules of this chapter are promulgated to provide administrative information for the Oklahoma Department of Libraries including its policy and operation.

405:3-1-2. Authority

The Oklahoma Department of Libraries Board receives its rule making authority through 65 O.S., §2-106(m) and as required by the provisions of the Administrative Procedures Act, 75 O.S., §250 et. seq.

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99]

405:3-1-3. Library service

(a) *It shall be the policy of the State of Oklahoma to promote, support, and implement the development and maintenance of adequate public and special library facilities and services throughout the state in whatever forms and by whatever means may be most beneficial and feasible. Adequate library services are deemed to be necessary to the cultural, educational and economic development of the State of Oklahoma and to the health, safety and welfare of its people and to be the responsibility of government at all levels. (65 O.S. 1981, §1-102).*

(b) *It is the purpose of the Oklahoma Library Code to accomplish the policy (a) of this section by providing for:*

(1) *Creation of the Oklahoma Department of Libraries to discharge the responsibility and exercise the authority of the State of Oklahoma for adequate library facilities and services in and for state government and throughout the state.*

(2) *Establishment, development and operation of libraries and library systems throughout the state with the goal of providing adequate library services to all the people of the state.*

(3) *Financial support for libraries with guidelines for maximum economy and effectiveness in use of all funds.*

(4) Cooperation with other state agencies, federal agencies and private organizations in effecting the purposes of the Code. (65 O.S. 1981, §1-103).

405:3-1-4. Organization

The Oklahoma Department of Libraries is governed by a statutorily defined Board, 65 O.S. 2-101, et. seq. The powers and duties of the Board are set forth in 65 O.S., §2-106; rule making authority for the Board is specifically granted in 65 O.S., §2-106(m).

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99]

405:3-1-5. Meetings of the Board

By law, the Board meets every three months or upon special call [65 O.S., § 2-105]. Generally, the meetings are held at the Allen Wright Memorial Library Building, 200 N.E. 18th Street, Oklahoma City, Oklahoma 73105-3298, but may be held elsewhere.

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99]

405:3-1-6. Open meetings

The Board conducts its business in accordance with: the Open Meetings Act, 25 O.S. Supp. 1989, §301 et. seq.; the Open Records Act, 51 O.S. Supp. 1989, §24A.1 et. seq.; and the Oklahoma Administrative Procedures Act, 75 O.S. Supp. 1989, §250 et. seq.

405:3-1-7. Director; records

The Oklahoma Department of Libraries is managed by a Director appointed by the Board and qualified pursuant to 65 O.S., §3-103. The Director is the State Librarian and the State Archivist, 65 O.S., §3-103. The Director is Secretary of the Board (an ex officio non voting member) and has custody of all files and records of the Board, 65 O.S., §2-104. The powers and duties of the Director are set forth in 65 O.S., §3-104.

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99]

405:3-1-8. Office location; hours; information availability

(a) The Oklahoma Department of Libraries is located in the Allen Wright Memorial Library Building, 200 N.E. 18th Street, Oklahoma City, Oklahoma 73105-3298 in the State Capitol area; the Jan Eric Cartwright Memorial Law Library is located in the Capitol and the State Records Center is located at 426 East Hill Street, Oklahoma City, Oklahoma. Telephone numbers are 405/521-2502 and 1-800/522-8116.

(b) All requests for information or petitions should be addressed to the Director.

(c) The Department is open to the public 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99; Amended at 39 Ok Reg 1900, eff 9-11-22]

405:3-1-9. Functions

The Department is empowered by statute to perform a wide range of functions. These are listed in 65 O.S. 1981, §3-105.

405:3-1-10. Structure of the Department

To carry out these functions, the Department is divided into four divisions: Administration, Services to Libraries, Services to Government, and Information Services. The Department acts as the Administrative Agency for the Archives and Records Commission and the Oklahoma Historical Records Advisory Board.

[Source: Amended at 16 Ok Reg 3039, eff 7-12-99; Amended at 39 Ok Reg 1900, eff 9-11-22]

405:3-1-11. Fees

The Board adopted the fee schedule as Chapter 35 of this title for charging the public and state government entities for services including photocopy, microfilm, microfiche publications and lost book replacement.

405:3-1-12. Requests for promulgation, amendment, or repeal of a rule

- (a) Requests for promulgation, amendment, or repeal of a rule shall be made in writing to the Director of the Department. Requests shall give the text of a proposed new rule or amendment, and cite such rules as are requested to be repealed or amended, and shall explain the reasons and justification for the request.
- (b) Requests outlined in (a) of this Section shall be placed on the agenda for Board consideration and disposition at a meeting scheduled for an early date, and the interested party shall be given reasonable notice of the date, time, and place of such meeting, and informed promptly in writing of the Board's decision in the matter.
- (c) Any resulting action to adopt a new rule or amendment or to repeal an existing rule shall be taken at an early date at an open hearing conducted in accordance with the notice and other requirements of the Administrative Procedures Act.

405:3-1-13. Petition for declaratory ruling

- (a) Persons requesting the Board to make a declaratory ruling as to the applicability or interpretation of any rule or order pursuant to the Administrative Rules of the Board shall address their written request to the Director of the Department.
- (b) The request for declaratory ruling shall be placed upon the Board's agenda for consideration and action by the Board at a meeting scheduled to be held at an early date, and the interested party shall be given reasonable notice of the date, time, and place of such meeting, and shall be informed promptly in writing of the Board's ruling in the matter.

405:3-1-14. Appeals on agency decisions on eligibility for state aid

Communities which have been notified by the agency administration that are ineligible for state aid to public libraries may contact the Oklahoma Department of Libraries Board to hear an appeal. The community has seven days from receipt of notification by the agency administration to file an appeal with the Oklahoma Department of Libraries Board.

[Source: Added at 36 Ok Reg 976, eff 7-25-19]

CHAPTER 10. PUBLIC LIBRARY SYSTEMS

[Authority: 65 O.S., § 2-106(m)]

[Source: Codified 12-27-91]

SUBCHAPTER 1. GENERAL PROVISIONS

405:10-1-1. Purpose

The rules of this Chapter are promulgated to assist cities and counties wishing to provide more economical and efficient library services by joining together in larger units of service called library systems.

405:10-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise

"Assets" means

- (A) furnishings and equipment costing \$100 or more per unit,
- (B) library materials,
- (C) land,
- (D) buildings, and
- (E) unobligated cash.

"Board" means the Oklahoma Department of Libraries Board.

"Department" means the Oklahoma Department of Libraries.

"Director" means the Director of the Department of Libraries.

"District" means the geographical area comprising a library system from which public funds are derived for library system service.

"Library" means the contents as well as the building equipment and facilities of the institution.

"Library ad valorem tax" means the special tax for cooperative library services authorized by Article X, Section 10-A of the Oklahoma Constitution.

"Library materials" means the print and nonprint informational and cultural materials generally owned by libraries such as books, magazines, newspapers and pictures; microforms and films such as fiche, cards, strips, and slides; audio and video recordings; and databases.

"Library system" means a unified public library organization under single direction in an area of not less than one county and approved by the Board of the Department.

"Multi-county library" means a library system which is the public library for a library district composed of two or more counties.

"Public library" means a library or library system that is freely open to all persons under identical conditions, and which is supported in whole or in part by public funds.

"Service period" means the fiscal years during which the library ad valorem tax or other local revenues from the withdrawing area were contributed to the library system and during which the withdrawing area was provided full system library service.

"Standards" means the criteria pertaining to the scope and quality of library facilities, levels of financial support, adequacy and qualifications of personnel, organization and resources for service, areas of service and population to be served, and other factors deemed necessary to insure proper, economical and effective use of funds and resources in providing library facilities and services.

"System Board" means the Board of Trustees of a library system.

"Withdrawing area" means the county or counties, or parts of a county or counties, which by a majority vote of qualified electors voting in the latest preceding general election of the county or counties have elected to withdraw from a library system.

405:10-1-3. Department of Libraries Board

(a) The Oklahoma Department of Libraries Board consists of seven appointive members, and the Director of the Department, who is an ex-officio non-voting member and Secretary of the Board. Board members are appointed by the Governor with the advice and consent of the Senate, one member of each from each Congressional District (as created by Title 14, Chapter 1, Section 1, Oklahoma Session Laws 1951) and one member-at-large.

(b) Among other powers and duties, the Board formulates the general policies of the Department in consultation with the Director, formulates standards for public and special libraries in consultation with the Director and staff and the Oklahoma Library Association, accredits public libraries and library systems, and approves the formation of library systems and library districts [65 O.S. Supp., §2-101 through 106].

405:10-1-4. Department organization and purpose

(a) The Department of Libraries was created by act of the Legislature effective April 6, 1967 transferring all facilities and services of the Oklahoma State Library to the Department [65 O.S. Supp., §§ 3-101 through 115].

(b) The Department is the official library agency of the State and discharges the responsibilities and exercises the authority of the State with respect to all public and special libraries. It constitutes the official library of the State of Oklahoma.

(c) The Director of the Department of Libraries is the administrative, executive, directing and supervising official of the Department.

405:10-1-5. Public information, submissions or requests

The public is invited to make inquiries for additional information or other requests to the Director of the Department at the following address: Oklahoma Department of Libraries, Allen Wright Memorial Library Building, 200 N.E. 18th Street, Oklahoma City, OK 73105-3298, Telephone: 405/521-2502 or 1-800-522-8116.

405:10-1-6. Requests for promulgation, amendment, or repeal of a rule

(a) Requests for promulgation, amendment, or repeal of a rule shall be made in writing to the Director of the Department. Requests shall give the text of a proposed new rule or amendment, and cite such rules as are requested to be repealed or amended, and shall explain the reasons and justification for the request.

(b) Such requests shall be placed on the agenda for Board consideration and disposition at a meeting scheduled for an early date, and the interested party shall be given reasonable notice of the date, time, and place of such meeting, and informed promptly in writing of the Board's decision in the matter,

(c) Any resulting action to adopt a new rule or amendment or to repeal an existing rule shall be taken at an early date at an open hearing conducted in accordance with the notice and other requirements of the Administrative Procedures Act.

405:10-1-7. Petition for declaratory ruling

(a) Persons requesting the Board to make a declaratory ruling as to the applicability or interpretation of any rule or order pursuant to this Chapter shall address their written request to the Director of the Department.

(b) The request shall be placed upon the agenda for consideration and action by the Board at a meeting scheduled to be held at an early date, and the interested party shall be given reasonable notice of the date, time, and place of such meeting, and shall be informed promptly in writing of the Board's ruling in the matter.

SUBCHAPTER 3. ESTABLISHMENT OF PUBLIC LIBRARY SYSTEMS

405:10-3-1. Creation of public library systems

(a) Persons seeking to improve local library services by establishment of a public library system should contact the Office of Library Development, Oklahoma Department of Libraries, and request that a public library consultant be assigned to provide technical assistance. The Department will assist local citizens and groups to develop the initial plan for system library service and development which will be incorporated into the application for approval of the library system as submitted to the Department. The plan shall be submitted on forms provided by or following an outline prescribed by the Director of the Department.

(b) Cities and counties are authorized by 65 O.S., §4-101, to join in creation, development, operation and maintenance of public library systems to serve multi-county systems. Under the Oklahoma Library Code, multi-county public library systems may be created either upon the initiative of the local governing bodies in the proposed district, or by vote of the people following a popular petition for such a vote.

(1) Creation upon initiative of local governing bodies.

(A) A library system may be created by resolution or ordinance approved by Boards of County Commissioners and the governing bodies of cities or towns within the proposed district, as set forth in 65 O.S., §4-102. The form of County Commissioner resolution shall be that shown in Appendix A of this chapter. The form of city ordinance shall be that shown in Appendix B of this Chapter.

(B) Such resolution and ordinances together with the initial plan for system library service and development shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board. Date of application shall be the date by which all required executed ordinances and resolutions have been received by the Department.

(2) Creation by vote of the people.

(A) Residents of each county may petition the Board of County Commissioners to hold an election to create a multi-county library district, as set forth in 65 O.S. Section 4-102. The ballot title or the election shall specify the type of system to be created and the district to be served.

(B) The election to create the library district may include a vote on funding the library system through the proceeds of the library ad valorem tax.

(C) If the election to create a library district is successful, the citizens of the counties concerned may apply to the Department of Libraries Board for approval of the library district.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-3-2. System approval by Oklahoma Department of Libraries Board

(a) The Board shall consider an application for the establishment of a public library system at a meeting held in accordance with the State's Open Meeting Act, and shall make its decision within 45 days after the date of the application; provided that the Board may delay a decision because of absence of a quorum or for other good cause.

(b) Application for establishment of a system must be made at least 30 days prior to the meeting at which the Board is to consider the application. Documents constituting application for creation of a system including the initial plan for system library services and development in the district should be addressed to the Director, Oklahoma Department of Libraries, 200 N.E. 18, Oklahoma City, 73105-3298.

(c) Date of establishment of a system shall be the date of the Board action approving the system. The Director of the Department of Libraries shall certify the establishment of the system following the form prescribed in Appendix C, and shall file the certification with the Secretary of State, and the Board of County Commissioners, and the governing bodies of each of the cities and towns concerned.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-3-3. Criteria for establishment of systems

The Board shall approve or disapprove the establishment of public library systems, taking into consideration the initial plan for system library service and development, including the potential of the proposed district for supporting and utilizing adequate public library services, the interest and commitment of the citizens of the proposed district, and the degree to which the proposed library system will achieve the objectives set forth in the Department's Long-Range Program for Library Development.

405:10-3-4. System boards

(a) **Appointment of system board.** Upon notification by the Department that establishment of a public library system has been approved, the county, city, and town governing bodies concerned shall appoint members to the Board of Trustees of the system in accordance with 65 O.S., §4-103, and shall certify said appointments to the Department on the prescribed form, Appendix D and Appendix E of this Chapter.

(b) **Initial terms of office.** The initial term of any member of the system board appointed by the governing body of a town with a population of at least one thousand (1,000) a distance of at least thirty miles from the next nearest town having a board member shall be three years [65 O.S., §4-103]. Members of the system board shall cast lots to determine initial terms of other members of the system board. So far as is possible, initial one, two, and three year terms shall be divided evenly among the counties in the district.

(c) **Organization of system board.**

(1) Within 45 days following approval of the establishment of the system, the appointed members of the system Board of Trustees shall hold an organizational meeting for the purpose of electing officers from the appointed members in accordance with 65 O.S., §4-104.

(2) A certified copy of the minutes of the organizational meeting of the system board setting forth the names of the duly elected officers shall be filed with the Department of Libraries.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

SUBCHAPTER 5. LIBRARY SYSTEM REPORTING AND DEVELOPMENT

405:10-5-1. Annual budget

A preliminary annual budget for each public library system shall be filed with the Board of the Oklahoma Department of Libraries on or before June 1. A final annual budget shall be filed with the same Board as soon as officially approved by the system board.

405:10-5-2. Annual audit and inventory

An annual audit for each public library system prepared by an independent certified public accountant following accepted auditing standards shall be filed with the Board of the Oklahoma Department of Libraries within ninety (90) days following the close of the fiscal year. The system shall maintain an inventory record of equipment costing more than \$1,000 per unit.

[Source: Amended at 37 Ok Reg 1998, eff 9-11-20]

405:10-5-3. Library service and development plan

(a) The library systems shall adopt and file with the Board of the Oklahoma Department of Libraries a long range plan for library service and development by June 1, 1985. Thereafter, annual revisions of the long range plan shall be filed at the time of the preliminary budget.

(b) When any part of an adjacent county is added to or included in a multi-county system, a system library service and development plan for the expanded district shall be presented to the Department of Libraries Board for its approval.

(c) Whenever another county or counties are added to an existing library system in accordance with 65 O.S., §4-102, an amended system library service and development plan shall be presented to the Department of Libraries Board for its approval.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-5-4. Incorporation of existing public libraries into a system

(a) When any multi-county system is established under the provisions of 65, §§4-101 through 4-107, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment, and the system plan for library service and development shall be revised and amended accordingly and filed with the Department of Libraries for approval of the Department Board.

(b) The local governing body shall provide the Department of Libraries with an inventory listing the assets of the public library which is to be incorporated into the system, and shall give assurance that such assets may be used for the purpose of multi-county library service, provided that such assets shall be returned to the city if multi-county library service should be terminated.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

SUBCHAPTER 7. WITHDRAWAL FROM OR TERMINATION OF SYSTEM

405:10-7-1. Amended library service and development plans

(a) **Amended system plan.** Upon withdrawal of any part of a system, the library system concerned shall immediately present an amended system plan for library service and development in the district for approval of the Department of Libraries

Board.

(b) **Plan for continuation of library service in area withdrawing.** If it is the intention of the areas withdrawing that library services shall be continued, a plan of library service and development shall be presented to the Board of the Department for its approval. Such plan will describe the proposed organization for the service and its basis in Oklahoma law, method and level of funding proposed, and the level of service to be provided citizens of the area in reference to accepted Oklahoma public library standards and rules and regulations for state aid.

405:10-7-2. Date of termination of system service

Service by a library system to a withdrawing county or counties shall be terminated at the end of the fiscal year in which the election to withdraw is held.

405:10-7-3. Statutory basis for disposal of assets

In the case of withdrawal of a county or abolishing of a library system, disposal of assets shall be made in accordance with 65 O.S., §4-105(c).

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-4. Application for disposal of assets

(a) Upon notification that a county election has resulted in the withdrawal of a county or counties from a library system, the Director of the Department of Libraries shall entertain applications from the county or counties withdrawing, or from the library system, for disposal of the assets.

(b) Such application shall be submitted by the Boards of County Commissioners of the counties concerned and/or the Board of Trustees of the library system, and shall include information about the date and results of the election terminating the system service, and any plan presented pursuant to OAC 405:10-7-1.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-5. Report of assets

Upon notification that a county election has resulted in the withdrawal of a county or counties from a library system, the Director of the Department of Libraries shall conduct a fact-finding inquiry into the assets of the library system. He shall report to the Board his recommendations for the distribution of assets.

(1) The following information will be required of parties concerned:

- (A) original source of property held by the district;
- (B) amount of funds raised by each county in the system; and
- (C) ability of the counties to make further use of property, equipment, or funds for library purposes. [65 O.S., §4-105(c)]

(2) For this purpose, the library system board shall present an updated inventory giving location of all assets which shall include only furniture, equipment, vehicles, land, buildings, and cash unexpended at the time of termination of service. Such assets shall be appraised by a qualified appraiser employed by the system, the cost of which is to be paid from the system assets to be divided. A supplement to the last annual audit projecting income, expenditures, and assets through the end of the service period shall also be provided.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-6. Disposal of assets

Upon the withdrawal of a county or counties from a library system, the disposal of assets shall be as follows:

(1) **Disposal formula.** The withdrawing area's share of the assets acquired by the system during the service period will be equal to the ratio that the total library ad valorem tax and other local revenues derived from the withdrawing area during the service period bear to the total of such revenues received by the system during the service period. Thus,

When

A = Total library ad valorem tax and other local revenues received by the system during the service period

B = Total of such revenues derived from the withdrawing area during the service period

C = Net appraised value of system assets acquired during the service period less assets purchased with funds received from sources other than ad valorem tax and local revenues.

Then

B

$A \times C$ = withdrawing area's share of system assets which were acquired during the service period

(2) **Exception to disposal formula.** In the case of assets which can be identified as deriving from gifts or grants made under special terms or conditions or for specific purposes, the Board will order disposal of such assets in a manner which will be consistent with the special terms, conditions, and purposes of the gifts or grants.

(3) **Disposal of books and other informational materials.** Books and other library informational materials will be physically divided in an equitable manner taking into consideration the size of the collection at the time the withdrawing area entered the system and the additions to the collection made during the period of service to the withdrawing area. Initial collections transferred to the system by the Department of Libraries at the time the system was created shall not be included in the division, but shall continue to be used for system library service. Such division shall be made by the library system and the withdrawing area and shall be negotiated in a fair and equitable manner, and any negotiated division shall be subject to approval by the Department Board. Any disposal of other assets shall not be delayed by the Board's consideration of the disposal of books and other informational materials.

(4) **Application of disposal formula to equipment, vehicles, and fixed assets.**

(A) The formula in (1) of this subsection shall be applied to the appraised value of furniture and equipment, vehicles, land, and buildings acquired during the service period, to determine the dollar share of these assets which is to be distributed to the withdrawing area. Alternatively, the Board may order disposal of this share by a physical division of assets or a payment in cash.

(B) Furniture, equipment, and vehicles transferred to the system by the Department of Libraries as initial grants at the time the system was created shall not be included in the distribution, but shall continue to be used for system services.

(5) **Application of disposal formula to unexpended cash on hand.** The formula in (1) of this subsection shall be applied to unexpended system

cash on hand at the end of the service period, less any cash on hand in the system account before service was begun to the withdrawing area.

405:10-7-7. Open hearing and board determination in division of assets

- (a) The Board of the Department of Libraries shall consider the Director's report of assets required by OAC 405:10-7-5 in an open hearing held in accordance with the provisions of the Administrative Procedures Act [75 O.S., 250, et. seq.].
- (b) All parties involved in the division of assets shall be notified in writing of the date, time, and place of the hearing and invited to present testimony and other evidence to the Board.
- (c) The Board shall order division of assets in the most equitable manner possible after considering the required information, the Director's report and recommendation, and oral or written testimony and other evidence.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-8. Assets dedicated to provision of library services

Assets of the library system shall be dedicated to purposes of providing library service, and disposal shall be made accordingly.

- (1) In the event that the withdrawing area joins another library system with the approval of the Department of Libraries Board, the area's fund derived from the disposal of assets shall be paid to the library system it is joining for the purpose of providing equitable library system service to that area.
- (2) In the event that a county or counties are unable or unwilling to continue library services, any assets divided, including cash settlements, shall be paid to the Commissioners of said county for the purposes of library services, and a trust for such purposes shall be held no longer than two (2) years from the date of the distribution of assets.
 - (A) If the county or counties have failed to provide library service on a stable, continuing basis as evidenced by appropriate resolutions and ordinances of the governing bodies within two years, such trust accounts shall revert to the exclusive control and use of the library system from which said county or counties withdrew.
 - (B) In the event no library system exists from which said county or counties withdrew, funds held in trust for library service is continued, and may be used only for library service.

405:10-7-9. Termination of library system

In the event that a library system is terminated in accordance with 65 O.S., §4-102, any assets which can be identified as deriving from state or federal grants to the library system shall revert to the Oklahoma Department of Libraries for reassignment and continued use for library system services, and other assets shall be divided by the Board in accordance with the provisions of OAC 405:10-7-1 through OAC 405:10-7-8.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-10. Payment of cash settlements and surrender of property

Upon notification by the Department of Libraries that the Board of the Department has distributed system assets to a county or counties, the system board shall forthwith pay to the county or counties any cash sums and give title to any

capital equipment or property to be turned over to the county or counties.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

405:10-7-11. Negotiated settlement

In the event a withdrawing area negotiates a settlement with the library system concerned, the Oklahoma Department of Libraries Board may, after approval of the settlement, waive specific rules concerning division of assets.

[Source: Amended at 16 Ok Reg 3040, eff 7-12-99]

APPENDIX A. SAMPLE RESOLUTION

Figure 1

O K L A H O M A
SAMPLE RESOLUTION
ESTABLISHING PUBLIC LIBRARY SYSTEM

WHEREAS, it is the desire of the governing boards of the cities and counties, hereinafter named, to provide good library service to the residents of the municipalities concerned; and

WHEREAS, in order to form such multi-county library district the governing boards of _____, and _____ Counties, or any combination thereof, must pass a resolution and each city of 2,000 population or more, according to the latest Federal census, must enact an ordinance creating such multi-county library district; and the governing boards of each of said counties must agree to submit to the residents of such county a proposition for a vote of the people for a library levy according to Article X, §10A, Oklahoma Constitution; and

WHEREAS, the governing board of this library district shall consist of one member appointed by the governing body of each city of 2,000 population or more, or a member appointed by the governing body of the county seat town, if there is no city with a population of two thousand or more, according to the latest Federal census; one member appointed by the board of county commissioners of each county; and one member appointed by the governing board of any town with a population of least one thousand (1,000) a distance of at least thirty (30) miles from the next nearest town having a board member; and

WHEREAS, _____ County, Oklahoma, is located within the proposed district to be served by such multi-county library to be established and created under the laws of the State of Oklahoma in accordance with the Oklahoma Library Code;

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of _____ County that said Board, jointly with the governing boards of the other cities and counties concerned, hereby creates a library district to include any combination of two or more of the following counties:

and _____; and agrees to appoint one person to represent the County of _____ on the multi-county library governing board; provided that additional counties may be added to the district upon their application to the Oklahoma Department of Libraries Board; and does hereby make application to the Oklahoma Department of Libraries Board for approval of the said multi-county library district.

Figure 2

BE IT FURTHER RESOLVED by the Board of County Commissioners of _____ County, Oklahoma, that said Board will call an election for a vote of the people of _____ County for a library levy according to Article X, Section 10A, Oklahoma Constitution.

Done this _____ day of _____, 19 ____.

Board of County Commissioners _____ County, Oklahoma

Chairman

Member

Member

Attest:

County Clerk

Seal

APPENDIX B. SAMPLE ORDINANCE

Figure 1

ORDINANCE providing for library service to the City of _____.

Be it ordained by the mayor and council of the City of _____: Sec. 1. It is the desire of the governing boards of the cities and counties, hereinafter named, to provide good library service to the residents of the municipalities concerned: _____ County, Oklahoma, is located within the proposed district to be served by a multi-county library, to be established and created under the laws of the State of Oklahoma in accordance with the Oklahoma Library Code.

Sec. 3. In order to form such multi-county library district the governing boards of _____ Counties, or any combination thereof, must pass a resolution and each city of 2,000 population or more, according to the latest Federal census, must enact an ordinance creating such multi-county library district. The governing board of each of said counties shall agree to submit to the residents of such county a proposition for a vote of the people for a library levy according to Article X, §10A, Oklahoma Constitution;

Sec. 4. The governing board of each city of said district shall consist of one member to be appointed by the governing body of each city of 2,000 population or more, or one member appointed by the governing body of the county seat if there is no city with a population of two thousand or more according to the latest Federal census, and one member appointed by the board of the commissioners of each county; and one member appointed by the governing board of any town with a population of at least one thousand (1000) a distance of at least (30) miles from the next nearest town having a board member.

Sec. 5. The City of _____ County, Oklahoma, jointly with other cities and counties concerned hereby creates a library district to include any combination of two or more of the following _____ and agrees to appoint one person to represent the City of _____ on the multi-county library governing board; provided that additional counties may be added to the district upon their application to the Oklahoma Department of Libraries Board.

Sec. 6. The City of _____ County, Oklahoma, hereby joins the _____ Public Library and operates it for the benefit of the people of the City of _____.

Sec. 7. The _____ Public Library is hereby incorporated into the multi-county library in accordance with provisions of the Oklahoma Library Code and the City of _____ shall provide and maintain its present operating budget until a library levy is passed or rejected by the voters of _____ under the provisions of Article X, Section 10A of the Oklahoma Constitution.

Sec. 8. The multi-county library is hereby requested to assume the responsibility of improving the _____ Public Library by supplementing the operating budget with personnel, books, films, equipment, and other library materials and services, with the understanding that after the successful levy of a library levy, the multi-county library will assume support of the _____ Public Library, except that the City of _____ will continue to maintain suitable quarters for the library and provide maintenance and necessary utility services of the library quarters and may from time to time at its option appropriate funds for the operation and/or improvement of said _____ Public Library. All library buildings, furnishings and equipment belonging to the City of _____ as of this date as listed on the attached inventory shall remain the property of the City of _____ to be used for multi-county library services; provided that upon termination of the multi-county library, said property will be returned to the City of _____.

Sec. 9. The City _____ of does herein apply to the Oklahoma Department of Libraries Board for approval of the said multi-county library district.

Sec. 10. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 11. That this ordinance shall be in force and take effect from and after its passage, approval and publication as required by law.

Passed by the Council this _____ Day of _____, 19____.

Approved by the Mayor this _____ Day of _____, 19____.

Attest: _____, City Clerk

Mayor _____

(seal)

Figure 1

I hereby certify that action was taken by the Department of Libraries Board pursuant to the provisions of 65 O.S., §§4-101 through 107, approving the establishment of a public library system, as follows, and said system was thereby established as of the date approved.

Copies filed with:
Secretary of State
County Commissioners
Local governing bodies of cities and towns

APPENDIX D. CERTIFICATION OF LIBRARY BOARD (COUNTY)

Figure 1

O K L A H O M A
CERTIFICATION OF LIBRARY BOARD APPOINTMENTS

This is to certify to the Oklahoma Department of Libraries that the following person has been appointed by the _____ County Board of County Commissioners to the _____ Board, as provided in the Oklahoma Library Code, 65 O.S., §§4-103 (b), and in accordance with the provisions of the Constitution of Oklahoma, Article 2, Section 12, and 51 O.S., §6.

Name _____

Address _____

Term _____, 19 ____ through
June 30, 19 ____

Executed the ____ day of _____, 19 ____.

THE BOARD OF COUNTY COMMISSIONERS
OF _____ COUNTY

Chairman _____

Member _____

Member _____

Attest:
County Clerk _____
(Seal)

[Source: Revoked and reenacted at 16 Ok Reg 3040, eff 7-12-99]

APPENDIX E. CERTIFICATION OF LIBRARY BOARD (CITY)

Figure 1

O K L A H O M A
CERTIFICATION OF LIBRARY BOARD APPOINTMENTS

This is to certify to the Oklahoma Department of Libraries that the following person has been appointed by the City Council of the City of _____ County, to the _____ Board, as provided in the Oklahoma Library Code, 65 O.S., §4-103 (b), and in accordance with the provisions of the Constitution of Oklahoma, Article 2, §12, and 51 O.S., §6.

Name _____

Address _____

Term _____, 19 ____ through June 30, 19 ____

Executed the ____ day of _____, 19 ____.

Mayor _____

Attest:
City Clerk _____
(seal)

[Source: Revoked and reenacted at 16 Ok Reg 3040, eff 7-12-99]

CHAPTER 15. FILM COLLECTION LENDING [REVOKED]

[Authority: 65 O.S., §2-106(m)]

[Source: Codified 12-27-91]

405:15-1-1. Purpose [REVOKED]

[Source: Revoked at 16 Ok Reg 3047, eff 7-12-99]

405:15-1-2. Definitions [REVOKED]

[Source: Revoked at 16 Ok Reg 3047, eff 7-12-99]

405:15-1-3. Film lending policies [REVOKED]

[Source: Revoked at 16 Ok Reg 3047, eff 7-12-99]

405:15-1-4. Damaged film; replacement film [REVOKED]

[Source: Revoked at 16 Ok Reg 3047, eff 7-12-99]

405:15-1-5. Borrower responsibility [REVOKED]

[Source: Revoked at 16 Ok Reg 3047, eff 7-12-99]

CHAPTER 20. THE OKLAHOMA PUBLICATIONS CLEARINGHOUSE

[Authority: 65 O.S., §§ 3-113.1 and 106(m)]

[Source: Codified 12-27-91]

SUBCHAPTER 1. GENERAL PROVISIONS

405:20-1-1. Purpose

This Chapter sets forth the organization, functions and duties of the Oklahoma Publications Clearinghouse.

405:20-1-2. Organization

The Oklahoma Publications Clearinghouse was created as a unit of the Oklahoma Department of Libraries under the direction of the Director of the Department, who appoints a professionally trained librarian to head the program.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-1-3. Functions

The Publications Clearinghouse has been designed to systematically collect, preserve and distribute state government publications and to promote their use by the citizens of Oklahoma and the United States. The collection of state-generated publications is accomplished through the Oklahoma State Publications Depository Program. Distribution is achieved through the Oklahoma State Depository Library System.

[Source: Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-1-4. Advisory Council [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

405:20-1-5. Location and hours of operation; service

(a) State agencies or others seeking information about these rules and regulations or wishing to make submissions or requests should contact the Publications Clearinghouse at the following address: Oklahoma Publications Clearinghouse, Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105-3298, (405) 521-2502 or 1-800-522-8116.

(b) Copies of publications deposited with the Publications Clearinghouse may be examined at the above address from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding legal holidays. Publications are loaned directly to state employees and to citizens through interlibrary loan when sufficient copies are available. Reference assistance is provided to all patrons working with the collection on the premises.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-1-6. Requests for promulgation, amendment, or repeal of a rule

(a) Requests for promulgation, amendment, or repeal of a rule shall be made in writing to the Director of the Oklahoma Department of Libraries. Requests shall give the text of a proposed new rule or amendment, cite such rules as are requested to be repealed or amended, and shall explain the reasons or justification for each request.

(b) Any resulting action to adopt a new rule or amendment or to repeal an existing rule shall be conducted in accordance with the notice and other requirements of the Administrative Procedures Act.

[Source: Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-1-7. Petition for declaratory ruling

(a) Persons requesting the Director to make a declaratory ruling as to the applicability or interpretation of any rule or order pursuant to the rules of this Chapter shall address their written request to the Director.

(b) The Director shall act on the petition for declaratory ruling within ten working days, and shall inform the petitioner in writing of his/her ruling in the matter.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

SUBCHAPTER 3. AGENCY PARTICIPATION IN DEPOSITORY PROGRAM

405:20-3-1. Participating agencies

All state agencies as defined by 65 O.S., §3-113.2, are required to deposit copies of their state publications with the Publications Clearinghouse immediately upon publication. In general, state publications mean materials produced under the authority of a state agency which are distributed to an audience outside of the creating agency or which are required by law. (See Subchapter 9 for further clarification.)

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-3-2. Nonparticipating agencies

Institutions of higher education are not required to deposit their publications (exception, See OAC 405:20-5-2) but any state board of regents for higher education is so required to deposit publications [65 O.S., §3-114 (A)].

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

SUBCHAPTER 5. COMMUNICATIONS

405:20-5-1. Publications officer

Pursuant to 74 O.S., § 3106.1, every state agency shall designate one of its staff members or employees as the Publications Officer for the agency, shall notify the Publications Clearinghouse of the identity of such Publications Officer, and shall immediately notify the Publications Clearinghouse of any new Publications Officer should a change occur. The Publications Officer of each state agency shall have the duties to provide copies of all state publications of the agency, to compile and forward required annual lists of the state publications of the agency, and to provide other related information as may be requested by the Publications Clearinghouse.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-5-2. Annual publications list

Pursuant to 74 O.S., § 3106.1, every state agency, including all institutions of higher education, shall provide to the Publications Clearinghouse a list of those state publications which it has published during the prior calendar year. One copy

of the list of state publications shall be delivered to the Publications Clearinghouse no later than the 31st day of January each year. Agencies must report even when no agency publications have been issued during that twelve month period.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-5-3. Transmittal form [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

SUBCHAPTER 7. PUBLICATION IDENTITY, COST, AND DEPOSIT

405:20-7-1. Standards for state publication identification

To achieve bibliographic control of state government publications and to assure that the identity of a publication can be ascertained in terms of the issuing authority, author, and subject matter sufficient to distinguish it from other publications, the following information shall be included on the title page or other suitable place near the beginning of each state publication required to be deposited with the Publications Clearinghouse:

- (1) full name of the issuing agency, including the division or subdivision responsible for publication, and the parent body;
- (2) name of any personal author to whom credit is intended to be given;
- (3) title of the publication;
- (4) date and place of publication;
- (5) frequency of issue (for periodicals and serials);
- (6) volume and number of issue (for periodicals and serials); and
- (7) date of issue (for periodicals and serials).

405:20-7-2. Publication cost statement; declaration of deposit

Pursuant to 74 O.S., §3105, agencies are required to give a cost statement and declaration of deposit for each publication issued by them. This information shall be set forth in a separate paragraph in a prominent place near the beginning of each publication and shall conform as nearly as practical to the following format: 1. If the publication is printed: *"This publication, printed by (name of printing firm) is issued by (here list the agency, department, board, commission, or institution) as authorized by _____. _____ copies have been prepared and distributed at a cost of \$ _____. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries."*; or 2. If the publication is located online: *"This publication is issued by (list the agency, department, board, commission or institution) as authorized by _____ and is located at the following website(s): _____. This publication has been submitted in compliance with Section 3-114 of Title 65 of the Oklahoma Statutes."* [74 O.S., §3105(B)]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

SUBCHAPTER 9. DEPOSITORY REQUIREMENTS

405:20-9-1. Publications required to be deposited

(a) State publications as defined by 65 O.S., §3.113.2, are any informational materials, regardless of format, method of reproduction or source, which originate in or are produced with the imprint, by the authority or at the total or partial expense of an agency supported wholly or in part by state funds and which are distributed to persons outside of the creating agency or are required by law. The

definition incorporates those publications that may or may not be financed by state funds but are released by private entities pursuant to a contract with or subject to the supervision of any agency. Examples of materials which are not state publications as defined, and materials which meet this definition but which are exempt from depository requirements are listed in the latest edition of the Publications Clearinghouse "Manual for Publications Officers."

(b) It is the intent of the Legislature that state agencies issue publications in an electronic format whenever possible, unless such issuance would interfere with the availability to the public of such publications and the information contained therein. It is the further intent of the Legislature that the Publications Clearinghouse and the Oklahoma Department of Libraries disseminate links to or other means by which to access publications to the same recipients required by law to receive copies or who have traditionally received copies of publications not published in an electronic format. A directory of the links to the publications shall be prominently featured on the ok.gov portal. [65 O.S., §3-113.1(B)]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-9-2. Number of copies to be deposited

The Publications Clearinghouse shall have the following duties: for publications not published in an electronic format, to determine the quantity of each publication of an agency to a maximum of twenty-five (25) copies required to meet the needs of the state publications depository library system and to notify each agency of the required quantity. Further explanation of the number of copies required for deposit is given in the latest edition of the Publications Clearinghouse "Manual for Publications Officers." [74 O. S., § 3106.1(c) and 65 O.S., § 3-113.3(7)]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-9-3. Legal publications [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

405:20-9-4. Application of depository requirements

If a state agency is in doubt whether a specific publication is required to be deposited as set forth in the statutory definition, in the rules of this Chapter, or in the "Manual for Publications Officers", or if the number of copies to be deposited is in question, the Publications Officer shall consult with the Publications Clearinghouse Librarian for assistance in interpreting the Manual. If the state agency is not satisfied with the determination of the Publications Clearinghouse Librarian, a written request should be submitted to the Director of the Department of Libraries who will make the final ruling.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-9-5. Noncompliance by agency

Title 65 O.S., §3-114(B), provides the following procedural steps to be taken in the event of noncompliance by an agency:

(1) Written notice of noncompliance shall be sent from the Director of the Department of Libraries to the chief administrator of the agency. Such notice shall state:

(A) the alleged noncompliance;

- (B) a reasonable time not to exceed thirty (30) days such noncompliance must be remedied;
 - (C) that further noncompliance will result in a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Attorney General; and
 - (D) that the statute requires immediate initiation of mandamus proceedings by the Attorney General upon receipt of such notice to the Attorney General to seek agency compliance.
- (2) Further failure to comply shall be reported as required.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-9-6. Surplus copies

The Department is authorized to dispose of any surplus publications which it receives as defined by 65 O.S., §3-115. Upon request, the Publications Clearinghouse will consult with agencies in advance of publication and insofar as is possible will designate the number of copies expected to be needed for the Depository Library System. If a surplus occurs after publications are deposited, the Publications Clearinghouse will have final disposition unless prior arrangements to return them have been made with the agency.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

SUBCHAPTER 11. OKLAHOMA STATE DEPOSITORY LIBRARY SYSTEM

405:20-11-1. Statutory depositories

Title 65 O.S., §3-113.3, expressly provides that the following libraries shall receive state publications not published in an electronic format as follows:

- (1) United States Library of Congress (Washington, D. C.), 1 copy
- (2) Oklahoma Department of Libraries, 2 copies
- (3) Selected copies to each depository library

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

405:20-11-2. Other depositories

The Publications Clearinghouse contracts with other libraries in addition to those listed in OAC 405:20-11-1 which wish to participate in the State Depository Library System.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-11-3. Designation of depositories

The director of a library in Oklahoma wishing to receive state government publications through the Depository Library System shall submit a written request to the Director of the Department of Libraries. The Director shall review the application submitted, taking into consideration user needs, geographic locations and the level of service to be provided. The Director shall execute a contract with a library participating in the Depository Library System setting forth the responsibilities of the Publications Clearinghouse to distribute publications and provide other services; and the responsibilities of the participating library to receive and maintain publications deposited, not to dispose of publications without prior notice to the Publications Clearinghouse, to provide adequate facilities for the storage and use of such publications, to provide free services to patrons in the use

of such publications, and to fulfill other requirements as set forth by the Department in its standards for the Depository Library System. The contract shall contain provisions for termination by either party upon proper notice.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-11-4. Method of distribution [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

405:20-11-5. Record of publications

Title 65 O.S., §3-113.3, states that the Publications Clearinghouse will prepare and publish official lists of all state publications and will distribute them to all contracting depository libraries. These lists shall serve as the minimum requirement for maintaining records of depository holdings for participating libraries.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99]

405:20-11-6. Depository guidelines

The Publications Clearinghouse shall issue and enforce standards for the proper maintenance, housing, and servicing of Oklahoma state publications by libraries contracting as participants in the Depository Library System. These standards delineate the respective functions and responsibilities of the Publications Clearinghouse and participating libraries, and are used to evaluate fulfillment of contractual obligations.

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Amended at 36 Ok Reg 977, eff 7-25-19]

SUBCHAPTER 13. LEGAL EXCHANGE PROGRAM [REVOKED]

405:20-13-1. Participating libraries in legal publications exchange [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

405:20-13-2. Distribution of legal publications [REVOKED]

[Source: Revoked at 36 Ok Reg 977, eff 7-25-19]

405:20-13-3. Written agreement for legal publications exchange [REVOKED]

[Source: Amended at 16 Ok Reg 3048, eff 7-12-99; Revoked at 36 Ok Reg 977, eff 7-25-19]

CHAPTER 25. STATE AID GRANTS TO PUBLIC LIBRARIES

[Authority: 65 O.S., § 2-106(m)]

[Source: Codified 12-27-91]

405:25-1-1. Purpose

This Chapter sets forth the required standards for eligibility of public libraries to receive state appropriated funds for library development in Oklahoma.

405:25-1-2. Definitions

The following words or terms, when used in this Chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Bibliographic access" means the provision of author, title, and subject indexes to the library materials, classification and location.

"Free library service" means that libraries will provide circulation of books and library materials and admittance to library programs without charge in their service area, i.e., town, city, county or library system.

"Library system" means libraries organized under Title 65, Article 4 of the Oklahoma Statutes and funded under Article 10, § 10 A of the Oklahoma Constitution.

"Long range plan" means a written strategy for action for improvement of library service over a specified period of time officially adopted by the library board.

"ODL" means the Oklahoma Department of Libraries as defined in 65 O.S. § 3-101.

"Statement of purpose" means a written declaration of the role the library has chosen to serve its community officially adopted by the library board.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99; Amended at 34 Ok Reg 1756, eff 9-11-17]

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

Eligibility for state aid grants to public libraries is governed by the 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.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99 ¹; Amended at 34 Ok Reg 1756, eff 9-11-17; Amended at 39 Ok Reg 1901, eff 9-11-22]

EDITOR'S NOTE: ¹An Editor's Notice was published in the 9/15/99 issue of *The Oklahoma Register* [16 Ok Reg 3601], which identified a technical error that occurred when subparagraph (2)(B)(ii) of this Section 405:25-1-3 was published in the 7/1/99 issue of the *Register* [16 Ok Reg 3052]. The language that read "3 hours a week" in that subparagraph should have read "30 hours a week." A similar Editor's Note was also published at OAC 405:25-1-3 in the *Oklahoma Administrative Code* until the Section was amended again on 9-11-17.

405:25-1-4. Use of state aid funds

State aid funds cannot be used for construction, remodeling, land, vehicles, or items that will become a permanent part of the building, such as carpet or air conditioners.

405:25-1-5. Ineligibility notification

(a) When libraries are found to be ineligible for State Aid, ODL will notify the librarian and the City Manager, and shall state the reasons for ineligibility. The librarian will then have a period of two weeks from receipt of notification in which to submit additional evidence of eligibility. Such appeals shall be reviewed by the ODL administration and a final decision made.

(b) The Oklahoma Department of Libraries Board shall serve as an appeal board in the agency's execution of the State Aid Grants to Public Libraries. After the Oklahoma Department of Libraries administration denies a community's eligibility for state aid, a community may appeal the ineligibility for state aid by agency administration to the Oklahoma Department of Libraries Board at a special board meeting. The community must file the appeal to the Oklahoma Department of Libraries Board within seven days of receipt of the denial by the agency administration. The Board shall affirm the administration's determination unless it finds such determination is contrary to applicable rules.

[Source: Amended at 36 Ok Reg 980, eff 7-25-19]

405:25-1-6. State aid formula

The Oklahoma Department of Libraries will utilize the latest population estimates from the United States Census Bureau to determine per capita payments for the distribution of state aid funds for public libraries.

[Source: Amended at 16 Ok Reg 3052, eff 7-12-99; Amended at 34 Ok Reg 1756, eff 9-11-17]

CHAPTER 30. DISTRIBUTION OF MAILING LABELS [REVOKED]

[Authority: 65 O.S.1981, § 2-106(m)]

[Source: Codified 12-27-91]

405:30-1-1. Purpose [REVOKED]

[Source: Revoked at 37 Ok Reg 1998, eff 9-11-20]

405:30-1-2. Mailing label distribution [REVOKED]

[Source: Revoked at 37 Ok Reg 1998, eff 9-11-20]

CHAPTER 35. FEES

[Authority: 65 O.S., § 2-106(m)]

[Source: Codified 12-27-91]

405:35-1-1. Purpose

This Chapter establishes fees and the appropriate rates for the services provided by the Department.

405:35-1-2. Fee schedule

(a) **Photocopy or computer print out.** The following fees shall be charged for photocopying and computer print outs:

- (1) In-house paper to paper photocopy or computer print out - \$.10 per copy.
- (2) In-house staff assisted paper to paper - \$.25 per copy.
- (3) Mailed paper to paper - \$.25 per copy and \$1.00 handling fee (\$2.50 minimum)
- (4) In-house large format - \$1.50 per copy.
- (5) Mailed large format - \$1.50 per copy and \$1.00 handling fee (\$2.50 minimum).
- (6) In-house corner records - \$.25 per copy.
- (7) Mailed corner records - \$.25 per copy (\$2.50 minimum).
- (8) Color copies:
 - (A) 8 ½" x 11" and 8 ½" x 14" - \$1.50 per copy.
 - (B) Larger than 8 ½" x 11" and 8 ½" and 14" - \$2.50 per copy.
- (9) Microfilm and microfiche to paper - \$.30 per copy.

(b) **FAX.** The following fees shall be charged for FAX:

- (1) \$1.00 first page.
- (2) \$0.25 each additional page.

(c) **Lost book replacement.** The following fees shall be charged for replacement of lost books:

- (1) In-print - Actual cost plus \$45.00 processing.
- (2) Out-of-print - Average cost plus \$45.00 processing.

(d) **Search Fee.** The direct cost of a search, when allowed in accordance with 51 O.S. § 24.A.5, Paragraph 3, will be calculated at a rate of fifteen dollars (\$15.00) per hour.

(e) **Public Land Survey Corner Record Filing Fee.** As allowed in accordance with 65 O.S. § 3-120(c), a \$5.00 fee is required for the filing of each public land survey corner record. The fee is payable to the Oklahoma Department of Libraries and shall be due and paid when the record is submitted to the Oklahoma Department of Libraries for filing. The Department shall make no refunds of filing fees for records filed in error.

[**Source:** Amended at 9 Ok Reg 1571, eff 4-27-92; Amended at 12 Ok Reg 3185, eff 8-1-95; Amended at 14 Ok Reg 1411, eff 5-15-97; Amended at 15 Ok Reg 41, eff 10-3-97 (emergency); Amended at 15 Ok Reg 3266, eff 7-13-98; Amended at 17 Ok Reg 1706, eff 6-1-00; Amended at 19 Ok Reg 2298, eff 7-1-02; Amended at 27 Ok Reg 1272, eff 5-27-10; Amended at 37 Ok Reg 1999, eff 9-11-20]