

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: December 1, 2015

Re: **Draft Rule 10.102.1152 DEFERRALS**

At your October meeting the Commission reviewed a draft rule to clarify the process by which the State Librarian may grant deferrals for libraries that do not meet certain public library standards. Public library boards must annually certify that they meet the essential standards for public library services as defined in Administrative Rules of Montana [10.102.1150A-M](#). If a library cannot meet a standard that library must submit a deferral request that must be approved by the State Librarian as described in ARM 10.102.1152.

State Librarians have used this rule to grant deferrals for any of the public library standards. However, as was noted by attorney Jim Scheier, the way the rule is currently written, it appears to only give the State Librarian the authority to grant a deferral for the standard described in 10.12.1150E Human Resources: Library Director. The proposed change will bring the rule in line with current practice.

At the same time, we propose to eliminate 10.102.1152 (e) Any library that employs a director without a graduate degree in library or information science or its equivalent as of July 1, 2001 is exempt from ARM [10.102.1150E](#).

The language of this rule is confusing and it is no longer applicable because the exception can no longer be applied and all libraries that serve a population of 25k meet the standard.

Following the October Commission meeting the draft rule was submitted to the Secretary of State's office where it was published for public comment. No comments were received.

At this time the draft rule is being brought to the Commission for adoption. Upon adoption, the rule adoption notice will be submitted to the Secretary of State's Office and publication of the adopted rule will be announced on December 24, 2015.