

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: September 21, 2015

Re: **Draft Rule 10.102.1152 DEFERRALS**

While reviewing requests for deferrals for public library standards in August, Attorney Jim Scheier identified an inconsistency in rule 10.102.1152 DEFERRALS (<http://www.mtrules.org/gateway/RuleNo.asp?RN=10%2E102%2E1152>) from how the rule is applied.

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The language of this rule is confusing and it is no longer applicable because the exception can no longer be applied and all libraries that serve a population of 25k meet the standard.

The following timeline to revise the administrative rule assumes that the Commission accepts the draft rule as presented at their October meeting. If the Commission wishes to make further changes to the draft rule, this process would be postponed until after the December Commission meeting.

- October 13: Commission accepts draft rule;
- October 19: Submit draft rule to the Secretary of State;
- October 29: Draft rules published for public comment by the Secretary of State's Office;
- The 28 day public comment period commences and concludes on November 26;
- December 9: Final rule brought to the Commission for adoption;
- December 14: Rule adoption notice submitted to the Secretary of State's Office;
- December 24: Publication of adopted rule.

We will hold a public hearing on the rule changes if requested by more than 25 people. At the close of the comment period we must respond to all comments either by accepting the recommendations or by acknowledging the comments in the rules notice.