

California State Library/California Library Services Board
Stanley Mosk Library and Courts Building
Office of the State Librarian
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Sacramento, CA 95814

NOTICE OF AMENDMENTS TO TEXT OF PROPOSED REGULATORY CHANGES, REGULATORY SECTIONS 20100-20265 TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS RELATING TO THE CALIFORNIA LIBRARY SERVICES ACT

On March 2, 2018, the California State Library published a Notice of Proposed Rulemaking in the California Regulatory Notice Register in accordance with section 11346.4 of the Government Code, providing notice to the public of the California State Library and California Library Services Board's intention to amend portions of Title 5 of the California Code of Regulations (CCR), sections 20101-20265. On April 17, 2018, the California State Library and California Library Services Board held a hearing on the proposed amendments.

The proposed amendments to the California Library Services Act regulations will conform the regulations to changes which have been made to the related statute under the Education Code. These changes include removing obsolete reimbursement and grant program provisions that are no longer supported by state funds or statute; updating the regulations to reflect the ability of Cooperative Library Systems to use remaining Communication and Delivery program grant funds for resource sharing and delivery of digital materials; and the proposed action will change the meeting requirements to conform to current Bagley-Keen Open Meeting Act requirements.

California State Library staff and the appointed members of the California Library Services Board considered the comments submitted during the comment period and at the hearing. The California Library Services Board approved several changes to the proposed regulatory language based on the comments and testimony. Those proposed, significantly related, changes are outlined below.

Subsection (b)(2) was added to CCR section 20107 of Title 5 to include a definition of "Home Library". This change is not based on public comment but was a previously requested change from the President of the California Library Services Board to provide a definition for language used in section 20205 that was not previously defined. This change can be found on Page 2, line 1 of the regulatory language accompanying this notice and is represented with a double underline as follows:

(2) "Home Library" means the public library within whose taxing area a person resides.

Subsection (a) of CCR section 20118 of Title 5 was amended to require the California Library Services Board to meet at least twice each year rather than at least once each year. This change can be found on Page 4, line 28 of the regulatory language accompanying this notice and is represented with an underline, strikeout and a double underline as follows:

- (a) Date. Regular meetings of the State Board shall take place at least ~~bi-monthly on the third Thursday of the months of February, April, June, August, October; the December meeting shall be held in conjunction with the California Library Association conference~~ once twice each year.

The public comments submitted in writing as well as those who testified at the public hearing felt that at least twice was the minimum number of meetings the California Library Services Board could hold to effectively handle the business of the Board. The California Library Services Board agreed with the assessment and requested that the language be changed.

Subsection (a) of CCR section 20125 of Title 5 was amended to remove the word “may” in place of the word “will”. This change can be found on Page 6, line 9 of the regulatory language accompanying this notice and is represented with an underline, strikeout and a double underline as follows:

- (a) Recognition of Speakers. Members of the public or the State Library staff ~~may~~ will be recognized by the President ~~of the State Board~~ to speak at any State Board meeting. All remarks made shall be germane to the business at hand and shall be addressed to the President. ~~No person other than the person having the floor and members of the State Board shall be permitted to enter the discussion.~~

The public comments submitted in writing as well as those who testified at the public hearing expressed that they felt the removal of the word “will” and its replacement with the word “may” in the context of individuals being recognized to speak at a State Board meeting would stunt public participation and provide a potential situation where public comment could be blocked. The California Library Services Board agreed that such a change would open a path to a reduction in transparency and requested that the language be changed to remove the word “may” and resubstitute the word “will”.

Section 20203 of Title 5 was amended to remove the words “excepted from” and replace them with “provided in”. This change can be found on Page 11, line 19 of the regulatory language accompanying this notice and is represented with a strikeout and a double underline as follows:

“...In determining the places of residency, the following rules as ~~excepted from~~ provided in Government Code section 244 shall be observed:”

This change was made for clarifying purposes as requested by the President of the California Library Services Board.

A copy of these proposed amendments is being sent to all individuals who requested notification of such changes, as well as those who commented orally or in writing, and will be available to other persons upon request. All written comments concerning this notice must be submitted to The California State Library no later than 5:00 p.m. on June 19, 2018, and should be directed to:

Annly Roman
California State Librarian’s Office,
P.O. Box 942837, Sacramento, CA 94237
Email: annly.roman@library.ca.gov

All written comments received by June 19, 2018, which pertain to the indicated changes will be reviewed and responded to by California State Library staff as part of the compilation of the rulemaking file.