

## TITLE 5. CALIFORNIA STATE LIBRARY/CALIFORNIA LIBRARY SERVICES ACT

Update to Regulations Implementing the Library Services Act; Procedures of the California Library Services Board

### NOTICE OF CONSIDERATION OF PROPOSED AMENDMENTS TO THE CALIFORNIA LIBRARY SERVICES ACT REGULATIONS

The California Library Services Board (CLSB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to the California Library Services Act Regulations.

DATE: April 17, 2018

TIME: At the conclusion of the California Library Services Board meeting beginning at 9:30 a.m.

LOCATION: Stanley Mosk Library and Courts Building, 914 Capitol Mall, Room 500, Sacramento, CA 95814.

This item will be considered after a meeting of the Board, which will commence at 9:30 a.m., April 17, 2018. Any additional meeting information, including the agenda, will be posted at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/> under "Board Meetings". Please consult the agenda for the meeting, which will be available at least ten days before April 17, 2018, to determine when this item will be considered.

#### WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS:

Interested members of the public may present comments orally or in writing at the hearing and may provide written comments by physical mail or electronic submittal before the hearing. The public comment period for this regulatory action will begin on the date this notice is published, March 2, 2018. Written comments not physically submitted at the hearing must be received no later than 5:00 p.m. on April 20, 2018. Comments submitted prior to the hearing must be addressed to one of the following: Physical mail: Annly Roman, California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237 or Electronic submittal: [annly.roman@library.ca.gov](mailto:annly.roman@library.ca.gov). Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

#### AUTHORITY AND REFERENCE:

This regulatory action is proposed under that authority granted in California Education Code, sections 18724 and 18725. The changes are proposed to conform, update, and delete provisions related to sections 18702, 18703, 18710, 18720, 18724, 18726, 18731, 18740, 18741 (repealed, 2016), 18743, 18745, 18746, 18747, 18765 (repealed, 2016) of the Education Code.

#### INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW:

Sections Affected: Proposed amendment to California Code of Regulations, title 5, sections 20101, 20105, 20107, 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136,

20140, 20158, 20180, 20185, 20190, 20203, 20205, 20215, 20216, 20217, 20235, 20236, 20251, 20252, 20255, 20257, 20260, and 20265.

#### Background and Effect of the Proposed Regulatory Action:

Section 18700-18767 of the California Education Code creates the California Library Services Act (Act) to facilitate greater equality of access to library services and resources regardless of location, income, or education level, especially in communities where people lack or have barriers to information and library services.

Sections 18720-18726 detail the administration of the California Library Services Act, which is done by an appointed Board of 13 representatives of various section of the library community as well as the California State Librarian who serves as the chief executive officer of the Board.

Section 18731 and 18743 of the Education Code encourage equal access by allowing libraries to participate in universal borrowing, allowing anyone to check out items from their library regardless of residence, and requiring all member libraries of a Cooperative Library System to provide equal access to all residents of the system, not just those in an the library's immediate area.

As originally enacted in 1977, the Act authorized various programs to help libraries share resources and opportunities for public libraries to seek grant funds allocated under the Act. These programs included the application of public libraries to the California Library Services Board for grant funds to create targeted programs, reimbursements for costs associated with the loaning of physical materials, statewide coordinated reference centers, funding for program assessment, and grants to facilitate the communication and delivery of information and materials within and between Cooperative Library Systems. These programs were funded, at varying levels, with state funding. Due to budget constraints funding for the California Library Services Act was gradually reduced until 2010 when it was eliminated altogether. A small amount of funding was later restored only to the communication and delivery program established in section 18745 of the Education Code.

In 2016 the California Library Services Act was amended to remove references to the obsolete programs which no longer received funding; including references to the Interlibrary Loan Program, reimbursements for costs associated with loaning physical materials, and grant programs supporting changes in Cooperative Library System membership. Additionally, changes were made to modernize the Act. Originally the act was written to facilitate the sharing of print materials. Changes were made to the act to include digital materials and resource sharing in the services that could receive funding under the Act and under the communication and delivery program.

The California Library Services Act has existing regulations in place which give policies and procedures for the running of the Board, notice and posting requirements for meetings, and designated meeting processes that must be followed. The current regulations also address the administration of the Cooperative Library Systems (Systems) in California, clarify reporting requirements, and requirements for consolidations of Systems or process for libraries wishing to join or change Systems. Finally, the regulations provide guidance on the library eligibility to participate in grant programs and

reimbursements for programs set forth in the related statute, the related reporting requirements, and general administration of the programs.

The proposed action 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. Additionally, the proposed action will change the meeting requirements to conform to current Bagley-Keen (Bagley-Keen Act) Open Meeting Act (Government Code, sections 11120-11131) requirements. The California Library Services Board is required, under the government code to abide by notice and meeting procedure requirements dictated under the Bagley-Keen Act but the California Library Services Act regulations, as currently written, do not reflect these requirements and often list posting and procedural requirements which contradict current required practices. These changes will clean-up the regulatory language and do away with the confusion caused by conflicting regulatory and statutory requirements.

The proposed amendments to the California Library Services Act regulations also update the regulations to reflect the ability, added to statute in 2016, of Cooperative Library Systems to use remaining Communication and Delivery program grant funds for resource sharing and delivery of digital materials. The amendments also clarify the use of funds for technology supporting shared resources or digital resources to ensure that, on a go forward basis, there is a uniform interpretation of what is allowed under the corresponding statute.

#### CONSISTENCY EVALUATION:

No additional federal, state, or local regulations dealing with this or similar program were discovered that proved inconsistent or incompatible with the proposed regulatory action.

#### LOCAL MANDATE:

The California State Library has determined that there is no mandate imposed on local agencies or school districts by these regulations.

#### FISCAL IMPACT/COST IMPACTS:

The California State Library has determined that the changes to these regulations will result in: no cost to any local agency or school district requiring reimbursement pursuant to Government Code sections 17500 through 17630; no cost or savings to any state agency; no other discretionary cost or savings imposed upon local agencies; and no cost or savings in federal funding to the state. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The California State Library has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT:

The California State Library has concluded that it is: unlikely that the proposal will eliminate or create any jobs and/or eliminate or have any impact on existing business; and unlikely that this proposal may lead to the creation of new business or expand business currently operating in California. The proposed

regulatory changes will be unlikely to have any impact to the health or welfare of California residents, worker safety, or the states environment.

**BUSINESS/SMALL BUSINESS:** The existing California Library Services Act regulations already contain a reporting requirement for California Cooperative Library Systems and no new reporting requirements are added in the proposed changes to the regulations. The current reporting requirement only applies to the California Cooperative Library Systems and does not apply to outside business. The California State Library has also determined that the proposed action does not affect small business.

**CONSIDERATION OF ALTERNATIVES** In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The California State Library invites interested persons to present statements or arguments putting forward alternatives to the proposed regulations, at the scheduled hearing or during the written comment period.

**CONTACT PERSON:**

Inquiries concerning the proposed administrative action may be directed to: Annly Roman by mail at: California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237; by email: [annly.roman@library.ca.gov](mailto:annly.roman@library.ca.gov); or telephone: (916) 323-0057. The alternative contact person to obtain information concerning the proposed administrative action is: Monica Rivas, reachable by mail at Library Development Services Bureau, California State Library, P.O. Box 942837, Sacramento, CA 94237; or by phone at (916) 653-5471. Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Annly Roman at the above contact information.

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS:**

The California State Library will have the rulemaking file available for inspection and copying throughout the rulemaking process at the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Suite 220, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; California Library Services Board Actions to approve initial language; and any petitions received from industry. Copies may be obtained by contacting Annly Roman at the address, email address, or phone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT:**

After considering all timely and relevant comments, the California State Library in conjunction with the California Library Services Board may amend the proposed regulations. Any modified text will be made available to the public at least 15 days before the California Library Services Board adopts the regulations as revised. Written comments will be accepted on the modified regulations for 15 days after

they are made available Please send requests for copies of any modified regulations to the attention of Annly Roman at the address, or email address listed above.

AVAILABILITY OF FINAL STATEMENT OF REASONS:

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Annly Roman at the address or email address listed above. Additionally, the Final Statement of Reasons will be available through the California State Libraries website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET:

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed changes to the regulations can be accessed through the California State Libraries website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.