

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3621

By: Conley

AS INTRODUCED

An Act relating to public libraries; amending 65 O.S. 2021, Sections 2-106, 3-103, 3-104, 4-103, and 4-106, which relate to the Oklahoma Library Code; modifying powers and duties of Oklahoma Department of Libraries Board; deleting liaison with Oklahoma Library Association; striking certain qualification requirements of Director; modifying powers and duties of Director; removing payment of certain expenses; prohibiting library funds from being used for certain library association expenditures; modifying qualifications of certain librarian; authorizing waiver of qualification requirements during employment transition training period; amending 65 O.S. 2021, Section 4-115, which relates to public library boards; deleting payment of certain expenses; prohibiting library funds from being used for certain library association expenditures; amending 65 O.S. 2021, Sections 4-203 and 4-206, which relate to rural single county library systems; striking payment of certain expenses; barring library funds from being used for certain library association expenditures; modifying qualifications for rural single county library system librarian; permitting waiver of qualification requirements during employment transition training period; amending 65 O.S. 2021, Section 156, which relates to the City-County Library Act; modifying qualifications for city-county library system librarian; allowing waiver of qualification requirements during employment transition training period; amending 65 O.S. 2021, Section 556, which relates to the Metropolitan Library Act; altering qualifications for metropolitan library system librarian; authorizing waiver of qualification requirements during employment transition training

1 period; providing an effective date; and declaring an
2 emergency.

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5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 65 O.S. 2021, Section 2-106, is
7 amended to read as follows:

8 Section 2-106. The Oklahoma Department of Libraries Board shall
9 be the supervisory and policymaking body of the Department and
10 shall:

11 ~~(a)~~ 1. Appoint the Director, who shall possess the
12 qualifications specified by Section 3-103 of this title, and shall
13 hold office at the pleasure of the Board;

14 ~~(b)~~ 2. Formulate the general policies of the Oklahoma
15 Department of Libraries, in consultation with the Director;

16 ~~(c)~~ 3. Review and approve the budget requests for the
17 Department;

18 ~~(d)~~ 4. Formulate standards for public and special libraries in
19 consultation with the Director and ~~his~~ Department staff, ~~and with~~
20 ~~the Oklahoma Library Association;~~

21 ~~(e)~~ 5. Utilize such standards as guidelines in accreditation of
22 public libraries and library systems;

23 ~~(f)~~ 6. Utilize such standards and accreditation as guidelines
24 in approval of apportionment of state funds of federal funds such as
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1 may be administered by a state agency to public libraries, library
2 systems and special libraries and their use of such funds;

3 ~~(g)~~ 7. Serve as an appeal board in the execution of the Library
4 Services Construction Act, 20 U.S.C. Section 351(1991), including
5 any amendments thereto, and any similar federal legislative acts
6 requiring such services;

7 ~~(h)~~ 8. Approve the formation of library systems and designate
8 areas for library districts;

9 ~~(i) Maintain liaison with the Oklahoma Library Association;~~

10 ~~(j)~~ 9. Assist in communicating the goals, plans, budgets and
11 work of the Department to executive, judicial and legislative
12 officials, and to the public;

13 ~~(k)~~ 10. Provide for the certification of public librarians;

14 ~~(l)~~ 11. Establish a formula for the equitable apportionment of
15 monies from the Oklahoma Local Library Support Revolving Fund; and

16 ~~(m)~~ 12. Promulgate such rules as may be necessary to carry out
17 the intent and purposes of this act.

18 SECTION 2. AMENDATORY 65 O.S. 2021, Section 3-103, is
19 amended to read as follows:

20 Section 3-103. The offices of Director and Assistant Director
21 are hereby created. The Director shall be appointed by the Board on
22 the basis of merit ~~and appropriate experience~~, shall possess a
23 library degree from a library school ~~accredited by the American~~
24 ~~Library Association~~, and shall serve at the pleasure of the Board.

1 The Assistant Director shall be appointed by the Director, with the
2 approval of the Board, and shall be subject to the same
3 qualifications as herein specified for the Director. The Director
4 shall be the State Librarian and the State Archivist, which offices
5 are hereby created.

6 SECTION 3. AMENDATORY 65 O.S. 2021, Section 3-104, is
7 amended to read as follows:

8 Section 3-104. A. The Director shall be the administrative,
9 executive, directing and supervising official of the Department
10 under the supervision of and in accordance with policies established
11 by the Board. ~~He~~ The Director shall:

- 12 ~~(a)~~ 1. Approve all requisitions and claims;
- 13 ~~(b)~~ 2. Prepare budgets;
- 14 ~~(c)~~ 3. Prepare the staff organization and position
15 classification with the approval of the Board;
- 16 ~~(d)~~ 4. Employ or terminate employment of all personnel ~~as~~
17 ~~provided by 74 O.S. 1961, Sections 801 - 839, as amended; and~~
- 18 ~~(e)~~ 5. Make all reports, maintain all records and execute all
19 instruments required by law or regulation and perform all duties
20 necessary to discharge the functions of the Department.

21 B. The Director shall be accountable and responsible to all
22 proper state and federal officials for the activities of the
23 Department. ~~He~~ The Director shall be the representative of the
24 state in all matters pertaining to the duties and services of the
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1 Department, or any other library, archival, public documents,
2 reference, research, records, information and information processing
3 functions, including all ~~allied or~~ related services, of the state
4 government, or in which the state may participate; provided that ~~he~~
5 the Director may designate a staff member of the Department to act
6 as his or her agent under such conditions as ~~he~~ the Director may
7 prescribe. The Director, or any staff member of the Department
8 designated by ~~him~~ the Director, shall receive travel expense and per
9 diem as provided by ~~74 O.S. 1961, Sections 500.5 - 500.12, as amended~~
10 of Title 74 of the Oklahoma Statutes, including necessary fees
11 incurred in the exercise of his or her duties, or in attending
12 conferences, institutes and meetings of library, reference,
13 research, documentation and informational associations or bodies, or
14 any ~~allied or~~ related groups.

15 SECTION 4. AMENDATORY 65 O.S. 2021, Section 4-103, is
16 amended to read as follows:

17 Section 4-103. A. The Board of Trustees of a library system
18 containing two or more counties, herein defined as a multicounty
19 library system, shall consist of at least five (5) members. There
20 shall be at least one member from each county appointed by the board
21 of county commissioners. Additional members shall be appointed for
22 each city within the system with a public library located in the
23 city, with these appointments to be made by the governing body of
24 the city. Should the board serving a multicounty unit result in
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1 fewer than five members, additional board members shall be appointed
2 on a proportional basis agreed upon by the county governments
3 involved.

4 B. Any member serving on a system board as of the effective
5 date of this act shall continue to serve until the end of the
6 current term for which they were appointed. Thereafter,
7 appointments shall be made as provided for in subsection A of this
8 section.

9 C. Initial appointments shall be distributed among one-, two-
10 and three-year terms, with one-third (1/3) of the appointments to be
11 made for one (1) year, one-third (1/3) to be made for two (2) years
12 and one-third (1/3) for three (3) years. Subsequent appointments
13 shall be for three-year terms, except in the case of an appointment
14 to fill a vacancy in the membership of the system board, which
15 appointment shall be for the remainder of the unexpired term of the
16 member where death, resignation or removal has created the vacancy.
17 A partial term of not more than eighteen (18) months served
18 immediately prior to a full three-year term shall not be counted as
19 a full term. No person shall serve more than two full successive
20 terms. Provided that a person who previously served for two (2)
21 successive terms or less may be reappointed if two (2) years has
22 expired since the person's last service on the board. All tenure of
23 initial and future appointees shall expire on June 30 of the
24 designated year. A member of a system board once qualified can
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1 thereafter be removed by the appointive authority during his or her
2 term of office only for misconduct or neglect of duty.

3 D. Appointments to the system board shall be made on the basis
4 of ability, a sound understanding of the total responsibilities and
5 objectives of public libraries and an active interest in the
6 attainment of these comprehensive goals. Appointive members shall
7 be qualified electors and bona fide residents of the counties from
8 which they are appointed. No member of the system board shall in
9 any way be connected with the business of publishing or selling
10 books, periodicals or other forms of library materials nor with the
11 business of manufacturing or selling library supplies or equipment.

12 E. All system board members shall serve thereon without
13 compensation except actual and necessary travel expenses as
14 authorized by the State Travel Reimbursement Act. ~~Individual~~
15 ~~memberships for systems board members in state, regional, and~~
16 ~~national library associations and expenses~~ Expenses incurred in
17 attending ~~conferences of these associations,~~ board meetings and
18 other library and library-related meetings may be paid from library
19 funds upon proper authorization of the board. No library funds
20 shall be used for expenditures providing for or related to services
21 provided by state, regional, or national library associations.

22 SECTION 5. AMENDATORY 65 O.S. 2021, Section 4-106, is
23 amended to read as follows:
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1 Section 4-106. ~~(a)~~ A. The system board shall appoint a
2 librarian of the library system on the basis of merit ~~and~~
3 ~~experience.~~ ~~Such~~ The librarian shall be a graduate of a library
4 school ~~accredited by the American Library Association.~~ The
5 librarian shall be the administrative, executive and supervisory
6 officer of the library and secretary to the system board. The
7 librarian shall serve at the discretion of the system board.

8 ~~(b)~~ B. The librarian may appoint and remove staff members and
9 other employees.

10 ~~(c)~~ C. The system board may establish or participate in
11 employee retirement and health insurance programs either for the
12 exclusive benefit of its staff or jointly and, in conjunction with
13 city, county, state, or other retirement systems, may expend upon
14 authorization of the board funds allocated by the board for such
15 purposes.

16 D. The requirements of subsection A of this section may be
17 waived if a previous librarian of the library system is available
18 for training the new appointment in the inner workings, procedures,
19 media systems, and any other critical information necessary for
20 running the library system for a period of no more than six (6)
21 weeks and no less than three (3) weeks. The training shall be
22 recorded in writing, including the signature of both parties. The
23 system board may include replacement training within the system
24 librarian contract upon hiring.
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1 SECTION 6. AMENDATORY 65 O.S. 2021, Section 4-115, is
2 amended to read as follows:

3 Section 4-115. A. Except as otherwise provided in this
4 section, the board of county commissioners, in counties which do not
5 have countywide library services through a rural single county
6 library or as otherwise determined by the Oklahoma Department of
7 Libraries, may appoint a public library board consisting of not less
8 than five nor more than seven members. There shall be at least one
9 member appointed from each of the county commissioner districts.
10 Additional members shall be appointed as follows:

11 1. One member appointed by the municipal governing board of the
12 county seat; and

13 2. If the county seat is not the municipality having the
14 largest population, then one member to be appointed by the municipal
15 governing board of the municipality having the largest population.

16 B. Initial appointments shall be distributed among one-, two-
17 and three-year terms, with two of the appointments to be made for
18 one year, two to be made for two (2) years and three to be made for
19 three (3) years. Subsequent appointments shall be for three-year
20 terms, except in the case of an appointment to fill a vacancy in the
21 membership of the board, which appointment shall be for the
22 remainder of the unexpired term of the member when death,
23 resignation or removal has created the vacancy. No person shall
24 serve more than two (2) successive terms or be appointed for another
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1 full term or temporary term until at least two (2) years have
2 elapsed from the end of the second successive term until the
3 beginning of the new term. All tenure of initial and future
4 appointees shall expire on June 30 of the designated year. A member
5 of a board once qualified can thereafter be removed by the
6 appointive authority during his or her term of office only for
7 misconduct or neglect of duty.

8 C. Appointments to the board shall be made on the basis of
9 ability, a sound understanding of the total responsibilities and
10 objectives of public libraries and an active interest in the
11 attainment of these comprehensive goals. Appointive members shall
12 be qualified electors and bona fide residents of the county.

13 D. All board members shall serve ~~thereon~~ without compensation
14 except actual and necessary travel expenses as authorized by the
15 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of
16 the Oklahoma Statutes. ~~Individual memberships for board members in~~
17 ~~state, regional, and national library associations and expenses~~
18 Expenses incurred in attending board meetings and other library and
19 library-related meetings may be paid from library funds upon proper
20 authorization of the board. No library funds shall be used for
21 expenditures providing for or related to services provided by state,
22 regional, or national library associations.

23 E. If a multicounty library system or a rural single county
24 library system is formed on or after July 1, 1992, which includes a
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1 county with a public library board and provides countywide service
2 to the county, the public library board appointed pursuant to this
3 section may be terminated. All powers, duties and responsibilities
4 of the public library board may be transferred to the Board of
5 Trustees of the multicounty library system or the rural single
6 county library system.

7 SECTION 7. AMENDATORY 65 O.S. 2021, Section 4-203, is
8 amended to read as follows:

9 Section 4-203. A. The board of trustees of a rural single
10 county library system shall consist of at least five (5) members.
11 One member shall be appointed from each county commissioner district
12 by the board of county commissioners. One member shall be appointed
13 by the governing body of the county seat city or town. A member
14 shall be appointed from the city or town with the largest population
15 that is not the county seat.

16 B. Initial appointments shall be for one-, two-, and three-year
17 terms. Subsequent appointments shall be for three-year terms,
18 except in the case of an appointment to fill an unexpired term which
19 appointment shall be for the remainder of the unexpired term. No
20 person shall serve more than two full consecutive terms in addition
21 to any partial term served by appointment to fill an unexpired term.
22 A person who previously served for two consecutive terms or less may
23 be reappointed if two (2) years has expired since the last service
24 on the board. All terms shall expire on June 30 of the designated

1 year. A member of a system board can be removed by the appointing
2 authority during the term for which appointed only for misconduct or
3 neglect of duty.

4 C. Appointments to the system board shall be made on the basis
5 of ability, a sound understanding of the total responsibilities and
6 objectives of public libraries and active interest in the attainment
7 of system goals. Appointive members shall be qualified electors and
8 bona fide residents of the county. No member of the system board
9 shall be in the business of publishing or selling books, periodicals
10 or other forms of library materials or the business of manufacturing
11 or selling library supplies or equipment.

12 D. All system board members shall serve without compensation
13 except for actual and necessary travel expenses which shall be
14 compensated from library funds upon proper authorization of the
15 board of trustees of the system at the rate provided in the State
16 Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the
17 Oklahoma Statutes. ~~Individual memberships for system board members~~
18 ~~in state, regional, and national library associations and expenses~~
19 Expenses incurred in attending ~~conferences of these associations,~~
20 board meetings and other library and library-related meetings may be
21 paid from library funds upon proper authorization of the board of
22 trustees of the system. No library funds shall be used for
23 expenditures providing for or related to services provided by state,
24 regional, or national library associations.

1 SECTION 8. AMENDATORY 65 O.S. 2021, Section 4-206, is
2 amended to read as follows:

3 Section 4-206. A. The rural single county library system board
4 shall appoint a librarian of the library system on the basis of
5 merit ~~and experience~~. In counties with a population of twenty
6 thousand (20,000) or more, the librarian shall be a graduate of a
7 library school ~~accredited by the American Library Association~~. In
8 counties with a population of less than twenty thousand (20,000),
9 during the first two (2) years after formation of a system the board
10 may appoint a librarian who is not a graduate of a library school
11 ~~accredited by the American Library Association; provided, within~~
12 ~~five (5) years of formation of the system the librarian must~~
13 ~~graduate from a library school accredited by the American Library~~
14 ~~Association in order to continue as librarian~~. Subsequent
15 librarians appointed in counties with a population of less than
16 twenty thousand (20,000) ~~must~~ shall be graduates at the time of
17 appointment of a library school ~~accredited by the American Library~~
18 ~~Association~~.

19 B. The librarian shall be the administrative, executive and
20 supervisory officer of the library and secretary to the system
21 board. The librarian shall serve at the discretion of the system
22 board.

23 C. The librarian may appoint and remove staff members and other
24 employees.
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1 D. The librarian and other employees of the system board may
2 participate in employee retirement and health insurance programs
3 offered by the county for county employees or the state for state
4 employees. The costs of employee participation in the county or
5 state programs shall be paid by the system board from library funds.

6 E. The requirement of subsection A of this section may be
7 waived if a previous librarian of the rural single county library
8 system is available for training the new appointment in the inner
9 workings, procedures, media systems, and any other critical
10 information necessary for running the rural single county library
11 system for a period of no more than six (6) weeks and no less than
12 three (3) weeks. The training shall be recorded in writing,
13 including the signature of both parties. The system board may
14 include replacement training within the rural single county system
15 librarian contract upon hiring.

16 SECTION 9. AMENDATORY 65 O.S. 2021, Section 156, is
17 amended to read as follows:

18 Section 156. A. The commission shall appoint a librarian of
19 the city-county library system on the basis of merit ~~and experience.~~
20 ~~Such~~ The librarian shall be a graduate of a library school
21 ~~accredited by the American Library Association.~~ The librarian shall
22 serve at the discretion of the commission. The librarian may
23 appoint and remove staff members and other employees, subject to the
24 approval of the commission.

1 B. The requirement of subsection A of this section may be
2 waived if a previous librarian of the city-county library system is
3 available for training the new appointment in the inner workings,
4 procedures, media systems, and any other critical information
5 necessary for running the city-county library system for a period of
6 no more than six (6) weeks and no less than three (3) weeks. The
7 training shall be recorded in writing, including the signature of
8 both parties. The commission may include replacement training
9 within the city-county library system librarian contract upon
10 hiring.

11 SECTION 10. AMENDATORY 65 O.S. 2021, Section 556, is
12 amended to read as follows:

13 Section 556. A. The commission shall appoint a librarian of
14 the metropolitan library system on the basis of merit ~~and~~
15 ~~experience. Such~~ The librarian shall be a graduate of a library
16 school ~~accredited by the American Library Association.~~ The
17 librarian shall serve at the discretion of the commission. The
18 librarian may appoint and remove staff members and other employees,
19 subject to the approval of the commission.

20 B. The requirement of subsection A of this section may be
21 waived if a previous librarian of the metropolitan library system is
22 available for training the new appointment in the inner workings,
23 procedures, media systems, and any other critical information
24 necessary for running the metropolitan library system for a period
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1 of no more than six (6) weeks and no less than three (3) weeks. The
2 training shall be recorded in writing, including the signature of
3 both parties. The commission may include replacement training
4 within the metropolitan library system librarian contract upon
5 hiring.

6 SECTION 11. This act shall become effective July 1, 2024.

7 SECTION 12. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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