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 File Date: 5/18/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of State
Division:	Tennessee State Library and Archives
Contact Person:	Mary Beth Thomas
Address:	State Capitol, 1 st FL, Nashville, TN 37243
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Melinda Kelsey, Director of Human Resources
Address:	312 Rosa L. Parks Ave., WR Snodgrass Tower, 7 th FL, Nashville, TN 37243
Phone:	(615) 253-4548
Email:	Melinda.Kelsey@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	WR Snodgrass Tower, Conference Room G		
Address 2:	312 Rosa L. Parks Ave, 3 rd FL		
City:	Nashville		
Zip:	37243		
Hearing Date :	07/16/2020		
Hearing Time:	9:30 AM	___ CST	

Additional Hearing Information:

The proposed rules below govern the process for joining the Tennessee Regional Library System. These rules largely reflect current procedures and are only meant to codify and clarify these procedures.

***** In the event that this In-Person Hearing is prohibited by reason of Executive Order or closure of the TN Tower Conference Center, this hearing will be conducted via telephone conference. In such a case, the meeting may be accessed by dialing 615-253-8957. *****

***** Additionally, anyone wishing to participate in the In-Person Hearing by phone may call into the hearing by dialing 615-253-8957. *****

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1360-12-01	Public Libraries and Archives
Rule Number	Rule Title
1360-12-01-.01	Definitions
1360-12-01-.02	Requirements For Establishment Of A New Public Library Within The Tennessee Regional Library System
1360-12-01-.03	Requirements For Public Libraries Within The Tennessee Regional Library System.

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1360-12-01
Public Libraries and Archives

New Rule

1360-12-01-.01 DEFINITIONS. The following terms shall have the respective meanings provided in this rule.

- (1) **Public Library Maintenance of Effort Agreement.** The annual agreement between the Tennessee Regional Library System and a public library which confirms the amount of public funds appropriated and expended for library services in each fiscal year, as well as the number of library operating hours in each fiscal year. The amount of public funds appropriated and expended for library services, as well as the number of library operating hours, must be matched or exceeded during each succeeding fiscal year. Funds contained therein are not to include capital or one-time appropriations or expenditures, or any pass through money appropriated by another County or City.
- (2) **Public Library Service Agreement.** The annual agreement between the State of Tennessee and a public library which defines the respective responsibilities of both parties. A public library is required to enter into a Public Library Service Agreement, and to continue to adhere to the terms stated therein, in order to receive and maintain support from the Tennessee Regional Library System.
- (3) **Tennessee Regional Library System.** A system of nine non-public library offices that serve as satellite locations of the Tennessee State Library and Archives. These offices provide assistance to local public libraries by supplementing local material appropriations with state and federal funds, assisting in the purchase of library materials, providing consultation services to library boards and directors, providing technology support, offering continuing education opportunities and other services. Membership in the Tennessee Regional Library System is voluntary.

Authority: T.C.A. §§ 10-1-105, 10-3-101, and 10-3-103.

1360-12-01-.02 REQUIREMENTS FOR ESTABLISHMENT OF A NEW PUBLIC LIBRARY WITHIN THE TENNESSEE REGIONAL LIBRARY SYSTEM. In order for a public library to be approved for inclusion within the Tennessee Regional Library System, an application must be submitted to the Tennessee State Library and Archives.

- (1) The public library must also meet all of the following requirements:
 - (a) The entity requesting inclusion must be recognized by resolution as a public library by the city or county requesting support from the Tennessee Regional Library System;
 - (b) A minimum of 51% of the library operating expense must be comprised of public funds from a city and/or county;
 - (c) The library budget must provide a minimum of 20 hours per week for paid staff;
 - (d) The library must be located in a county currently served by the regional library system;
 - (e) A governing library board must be appointed in accordance with T.C.A. §§ 10-3-101 and 10-3-103.
 - (f) The library must be open a minimum of 20 hours per week;
 - (g) The library must hold and/or own a circulating, cataloged collection;
 - (h) Basic library services must be free to the community, including but not limited to circulation of materials, reference services, programming, and public access to technology.

- (2) The governmental entity requesting that the public library be included in the Tennessee Regional Library System must approve and an Authorized Signatory must sign both a Public Library Service Agreement and a Maintenance of Effort Agreement. The Public Library Board of Trustees, as well as the local funding entity, will be responsible for satisfying the terms of these agreements.
- (3) The following documentation must accompany the application submitted to the Tennessee State Library and Archives:
 - (a) A certified copy of the city or county resolution recognizing the entity as a public library in accordance with T.C.A. § 10-3-101;
 - (b) A copy of the entity's line-item budget;
 - (c) A list of weekly hours of operation;
 - (d) Documentation of the number of materials in the entity's collection;
 - (e) Signed Public Library Service Agreement;
 - (f) Signed Public Library Maintenance of Effort Agreement;
 - (g) Official library Board Appointment Form, which includes their service terms.

Authority: T.C.A. §§ 10-1-105, 10-3-101, and 10-3-103.

1360-12-01-.03 REQUIREMENTS FOR PUBLIC LIBRARIES WITHIN THE TENNESSEE REGIONAL LIBRARY SYSTEM. In order for a public library to maintain membership in the Tennessee Regional Library System, the Library Board must comply with all Tennessee laws and continue to fulfill all duties and exercise all powers granted by T.C.A. § 10-3-104. Furthermore, both the local funding body and the Public Library Board of Trustees shall be responsible for ensuring compliance with both the Maintenance of Effort Agreement and the Public Library Service Agreement.

Authority: T.C.A. §§ 10-1-105, 10-3-103, 10-3-104, and 10-3-111.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: May 18, 2020

Signature: 

Name of Officer: Lauren Topping

Title of Officer: Assistant General Counsel

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Filed with the Department of State on: 5/18/2020



Tre Hargett
Secretary of State

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