



February 1, 2024

Dear Colleagues:

The Alabama Public Library Service (APLS) Executive Board has updated the Administrative Code for the operations of the agency per the request from Governor Kay Ivey. The Administrative Code is the body of law that governs the activities of APLS. These laws include rule making, adjudication and the enforcement of specific conditions.

In accordance with the Legislative Services Agency Administrative Procedure Division, APLS is informing you of changes and providing a 90-day notice of its intended changes to the Alabama Administrative Code after it has been published in the *Legislative Administrative Monthly* published by the Legislative Services Agency. The publication date of the *Administrative Monthly* is January 31, 2024, and the website for the Alabama Administrative Code is <https://admincode.legislature.state.al.us/administrative-code>.

Interested persons are invited to present written comments on the proposed rulemaking action described above at any time during the ninety (90) day period following publication of this notice. Written comments should be mailed or hand-delivered to the address below:

**Vanessa Carr
Executive Secretary
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36117**

Written comments should be received at the Alabama Public Library Service by 4:30 p.m. CST on April 29, 2024. A public hearing will be held on April 30, 2024 at 10:00 a.m. CST at the above address. Requests to make oral comments should be sent to vcarr@apls.state.al.us no later than 4:30 p.m. on April 29, 2024. The order of oral comments will be established based on the date(s) that the requests are received at APLS. Oral comments will be limited to three (3) minutes.

A brief synopsis of the changes to Chapter 520-2-2.03 Library Establishment, Policy and Service Requirements is provided below.

Chapter 520-2-2.03(2)(f) Approve written policies for the public library which cover the following:

Added New Paragraphs:

11. Physical location (and relocation) of sexually explicit or other material deemed inappropriate for children and youth.

12. Advance approval of materials recommended, displayed, or otherwise actively promoted to children or youth.

Chapter 520-2-2.03(4) The public library must not deny service to anyone on the basis of age, race, sex, or creed. **Added new language:** Exercising discretion in the location of sexually explicit material or other material deemed by the public library board to be inappropriate for children or youth does not constitute a denial of service on the basis of age. Taking age into account when recommending, displaying, or otherwise actively promoting library materials does not constitute a denial of service on the basis of age.

Added New Paragraph:

(8). Any expenditure of public funds to the American Library Association must be approved by the governing board of the public library or public library system in an open, public meeting following advance public notice.

It is important to have a full understanding of the changes being made and that you can explain them to your stakeholders. Please share this information with your stakeholders such as Friends of the Library, etc. Before adopting the final rule, APLS must “consider fully all written and oral submissions respecting a proposed rule.” APLS will review comments received at the hearing and will discuss comments at their May 16, 2024 meeting.

For your information and files, I have attached a brief overview of the Administrative Code Process. If you have questions about the proposed changes or hearing regarding the Alabama Public Library Administrative Code, please contact me at 334-213-3900.

Sincerely,



Nancy C. Pack, Ph.D.
Director

Summary of Rulemaking under the Alabama Administrative Procedure Act February 1, 2024

The Alabama Administrative Procedure Act (APA) enacted in 1981 establishes the “minimum procedural code” by which an agency board or commission of state government may adopt administrative rules.

The formal rulemaking process begins with a proposal. The Alabama Public Library Service (APLS) initiates the proposal to the Legislative Services Agency (LSA). The proposed rule changes to the Administrative Code are published by LSA in the Alabama Administrative Monthly (AAM) (<https://admincode.legislature.state.al.us/administrative-monthly>). The AAM contains a listing of notices of all rules submitted during that month that are to be added, amended, or repealed. Each notice describes the substance of the proposed rule change, specifies a comment period, and provides the manner in which a member of the public may submit comments to the agency regarding the proposal. The AAM will show the proposed changes by highlighting the added or deleted language.

Following the rules of the Alabama Administrative Procedure Act, the APLS Executive Board must specify a notice and comment period. The APLS Executive Board has chosen to have a 90-day comment period following the publication of the proposal in the AAM. The purpose of the notice is to give parties affected by the rule and other interested members of the public an opportunity to comment; therefore, the notice provides a clear and reasonable method by which the APLS Executive Board will accept comments. Before adopting the final rule, the agency must “consider fully all written and oral submissions respecting a proposed rule.” After considering all comments it receives during the notice period, the APLS Executive Board will meet to adopt the final rule. The APLS Executive Board may adopt the final rule either with or without changes in response to comments. If the APLS Executive Board receives conflicting views during the comment period, the agency must provide a concise statement on the certification of the principal reason for or against the rule. The statement should clearly articulate the APLS Executive Board’s reasons for overruling any considerations raised against the adoption of the rule.