

North Suburban Library System

**MEMORANDUM**

TO: Rules Committee (ad hoc)  
FROM: Sarah Long  
DATE: March 5, 2010  
RE: Meeting Agenda  
Tuesday, March 9, 2010  
4:00 p.m. – System Center

The following items have been placed on the agenda:

1. Call to Order and Welcome – Noreen Lake, Chair
2. Review of time-line and charge to the committee
3. Discussion of draft rules (Exhibit 3 – Attached)
4. Formulation of draft resolution for Board consideration
5. Follow-up work and meetings
6. Other
7. Adjournment.

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New Items are **highlighted**, changes are noted in **blue**, if changes are not substantive, they are not noted.

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER 1: SECRETARY OF STATE  
PART 3030  
THE ILLINOIS LIBRARY SYSTEM ACT  
SUBPART A: DEFINITIONS  
SUBPART B: MULTITYPE LIBRARY SYSTEMS

Section		
3030.10	Membership in a Library System	was 3030.35
3030.20	Changes in System Membership Status	different, used to be 3030.115, Suspension of a Library from Membership
3030.30	Other Categories of System Membership	New
3030.40	Establishment of Systems	was 3030.25
3030.60	Geographic Boundaries	was 3030.30
3030.70	Adjustment of the Geographic Boundaries of Library Systems	was 3030.120
3030.80	Mergers	was 3030.85
3030.90	Non-Compliance with the Act	different used to be 3030.110 Revocation of Approval
3030.100	Liquidation	was 3030.80
3030.105	Governing Board	was 3030.95
3030.110	Forms	was 3030.15
3030.120	Service Standards	was 3030.50
3030.130	Annual Application	expanded used to be 3030.65 Plan of Service for a Cooperative or Multitype Library System
3030.140	Finances and Records	was 3030.90
3030.150	Board of Director Policies and Procedures	expanded, used to be 3030.100 Rules
3030.160	Annual System Reports	expanded, used to be 3030.130

SUBPART C: PUBLIC LIBRARY SYSTEM  
[TO BE ADDED]

Section		
3030.2XX	Application/Plan of Service for a Public Library System	was 3030.70 (Repealed)

SUBPART D: ADMINISTRATIVE HEARINGS

Section

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3030.300	Administration of the Act: Hearings	<b>kind of new, look at 3030.20</b>
3030.310	Administrative Review of State Librarian's Decision in Contested Cases	<b>was 3030.121</b>
3030.320	Notice of Hearing	<b>was 3030.122</b>
3030.330	Conduct of Hearing	<b>was 3030.123</b>
3030.340	Motions	<b>was 3030.124</b>
3030.350	Order of the Hearing	<b>was 3030.125</b>
3030.360	Authority of Administrative Law Judge	<b>was 3030.126</b>
3030.370	Record of the Hearing	<b>was 3030.127</b>
3030.380	Rules of Evidence; Official Notice	<b>was 3030.128</b>
3030.390	Decisions and Orders	<b>was 3030.129</b>

- 3030. Appendix A: Library System Standards for Multitype Library Systems
- 3030. Appendix B: Interlibrary Loan Code
- 3030. Appendix C: The Strategic Plan for Technology & Telecommunications for Illinois Libraries

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].  
SOURCE: Old rules repealed at 34 Ill. Reg. \_\_\_\_\_; new rules adopted at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ .

SUBPART A: DEFINITIONS

**Dropped definitions: Contracting Library, Encumbrance, Library Interests, Management Letter, Reciprocal Access, Should, State Institutions**

"Academic Library" means the library or libraries of an institution of education beyond the secondary level.

"The Act" means the Illinois Library System Act [75 ILCS 10].

"Affiliate Library" means a library located outside the system boundary or the State of Illinois that has a formal cooperation agreement, such as an interstate compact, with an Illinois library system. An affiliate library is not eligible for membership in the system that it is affiliated.

"Annual Application" means the application a library system submits to the Illinois State Library for a System Area and Per Capita Grants funded in 23 Ill. Adm. Code 3035.100. The components of the application are in Section 3030.130 of this Part.

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“Bibliographically Organized Collection” means library materials, regardless of format, are arranged in a logical sequence in accordance to national standards so that individual items can be located.

"Constituent" means an individual who is legally eligible to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Developmental Member Library" means a library that meets the requirements of developmental membership cited in Section 3030.10 (a) of this Part.

“Eligible Elector” means a person who is eligible to register and vote, under the provisions of Section 3-1 of Article 5 of the Illinois Election Code, in the geographic area of the library system.

“Fees” means those charges with justification disclosed in the plan of service in the library systems annual application and approved by the State Librarian prior to charging. (This is a starting point for a definition of this term.)

"Full Member Library" means a library that meets the criteria for library system membership as defined by **mutual agreement and implementation of all of the library system board [was by the library system board]**, subject to approval by the State Librarian.

"Governing Authority" means the body or individual that has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Library" means (unless otherwise defined as a public library by statute), an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Long Range Plan" means the component of the system **annual application to the State Library for area and per capita grant funding [was plan of service]**, that details the program for system headquarters operations and for the development of the library system over a three to five year period of time, states the assessed needs of libraries the system will meet, and sets forth the programs, goals, objectives, and strategies designed to meet those needs.

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“Multitype Library System” means a library system established under 75 ILCS 10 with membership consisting of a minimum of ten or more public libraries, elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

“Non-resident” means **as defined in 23 Ill. Adm. Code 3050.10 [was a person who resides outside the taxing area of a public library]**.

“Partner” means a non-library organization that has a formal cooperation agreement with an Illinois library system. A partner is not eligible for system membership. **(ADD SOMETHING IN THE RULES ABOUT PARTNERS? or delete definition)**

"Plan of Service" means the *specific purposes for which the system is formed, and the means by which such purposes are to be accomplished* (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part **and includes the items listed in Section 3030.130 (Annual Application)**.

"Public Library" means a tax-supported public library **or receives revenues from other sources** and is established by or as a governmental unit that either **levies a tax or expends funds for library purposes [was is authorized to levy a tax for library purposes or supports the library at least in part from local tax revenues other than federal revenue sharing]**. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

“Public Library System” means a library system established under 75 ILCS 10/4 (a).

"Reciprocal Borrowing" means the right of a person holding a valid library registration card from a full member public library or a library system, to borrow on site from all the other public libraries that are full members of the library system without using interlibrary loan mechanisms.

"Resident" means an individual residing in Illinois who has his or her principal residence within the territory of a public library service area.

"School Library" means the library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

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"Service Area": The land area within the geographic boundaries of a library system. [~~was *System Service Area*~~]

"Special Library" means a library not defined elsewhere in this Part ~~as an academic, public or school library, that is established and maintained to serve the information needs within a corporation, governmental agency or non-profit organization, including, but is not limited to, libraries with unique collections or specialized services recognized by the State Library.~~ [~~was *the library of, or under, the governing authority of any body or institution not defined elsewhere in this part*~~]

"State Librarian" means the Secretary of State of Illinois.

~~"Suspended Library" means a library whose system membership has been ended by the library system board and approved by the Illinois State Library. A full member that has been suspended may reapply for system membership as a developmental or full member. A developmental library that is suspended may reapply for system membership as a full member under the conditions stipulated in Section 3030.10 of this Part.~~

"System Administrative Headquarters": The facility that is identified by the system as its administrative headquarters.

SUBPART B: MULTITYPE LIBRARY SYSTEMS

**Section 3030.10 Membership in a Library System** ~~was 3030.35, many items rearranged~~

The State Librarian shall approve the application of a library for membership in a library system when the library is located within the geographic boundaries of the library system and meets the criteria for one of the two following membership categories:

a) Developmental membership:

1) A library applying for developmental membership in a library system shall be a library of one of the types of libraries defined in Section 3030.10 of this Part.

2) A library applying for a developmental membership in a library system shall be an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as the librarian. The collection must

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have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

- 3) The governing board of the library system in which the library has applied for membership shall have approved the application in accordance with its bylaws and/or rules.
- 4) A public library that is applying for developmental membership in any library system shall meet either the financial requirements for state per capita grants to public libraries as stated in the Act or levy a tax that produces a revenue as specified in 75 ILCS 10/8.1.
- 5) The library applying for membership shall certify to the State Librarian that it will meet the requirements of this Part and of the plan of service of the library system in which it becomes a developmental member.
- 6) As part of the application for developmental membership, the library shall submit a developmental plan, which sets forth the library's annual goals and explains how the library will meet the criteria for full membership in the library system. The developmental member shall report annually to the library system on which goals have been met and on any deviations from the plan to become a full member of the system.
- 7) Once developmental membership status has been approved, the following apply:
  - A. No application fees may be imposed upon a library when becoming a member of a library system or when applying for membership in a library system.
  - B. A library is eligible for developmental membership for up to five consecutive years, if annual progress has been made towards meeting the "full member" criteria, which is defined in this Part. In the event that full membership is not achieved at the end of the five consecutive year developmental membership, libraries will not be eligible to re-apply under this category, or to continue developmental membership. For existing developmental members, the rules apply as of the effective date of this part. (Does this mean that the five-year clock begins again?)
  - C. A library in this membership category also meets the library system membership requirement as specified in 23 IL ADC 3035.115 and 3035.120.

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D. A developmental library is entitled to the following services from the library system of which it is a member: consulting, continuing education, and communications.

E. Representatives from developmental member libraries are not eligible for system board seats.

F. In order to be eligible for system services and for grants administered by the State Library (including LSTA grants???), all developmental libraries must certify the library's directory information annually by the date and certification method established by the State Librarian.

b) Full membership:

1) A library applying for full membership in a library system shall be an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

2) A public library that is a full member shall provide reciprocal borrowing to resident patrons of other public libraries that are full members of the library system and shall also honor library cards issued to non-residents of the system area if the library does not opt out of the non-resident card program.

3) The library will meet any additional membership requirements determined mutually by the library systems, and mutually implemented, with prior approval of the State Librarian who will review the criteria to ensure that the criteria addresses state legislation and rules and is equitable among different types of libraries. A library system cannot impose additional membership requirements solely for the individual library system.

4) System membership is allowable for eligible individual libraries within a school district or the library can apply for membership in the library system where the school district office is located.

5) System membership is allowable for eligible individual libraries within an academic institution or the library can apply for membership in the library system where the main campus is located.

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6) System membership is allowable for eligible individual Special Libraries within an institution or the library can apply for membership in the library system where the headquarters is located.

Once full membership status has been approved, the following will apply:

A. No fees may be imposed upon a library when becoming a member of a library system or when applying for membership in a library system.

B. A full member is entitled to the library system services at for which it meets system requirements and must follow the ILLINET Interlibrary Loan Code as specified in Section 3030.Appendix B of this Part.

C. A full member is eligible for voting representation on the Board of Directors, and may serve on the Board of Directors.

D. In order to be eligible for system services and for grants administered by the State Library, all full member libraries must certify the library's directory information annually by the date and certification method established by the State Librarian.

**Section 3030.20 Changes in System Membership Status was 3030.115 & very different**

a) The State Librarian shall recognize the existing status of system membership and the criteria set forth in Section 3030.10 as of the effective date of this Part.

b) Changes in membership status may be a result of voluntary withdrawal by a member library, or suspension or termination of the member library.

c) Systems must submit notification of any change in a library's membership status and shall request approval in writing from the Illinois State Library for any change in membership status. This notification shall be to the State Library using forms designated by the State Library, and shall be submitted within one month of the system board's action regarding the member library's status.

d) A library is eligible for developmental membership for up to five consecutive years, if annual progress has been made towards meeting the full member criteria as specified in Section 3030.10 (b) in this Part.

*[was a) The State Librarian shall review the action of the system board in suspending a member library within sixty days of receipt of notice of such action. He shall concur in the suspension if:*

- 1) He finds that the library is not meeting he requirements of this Part,*
- 2) The library has had sixty days to respond to the allegations of the system board,*
- 3) The library has not entered into an agreement with the system board that it will fulfill all the conditions of system membership with the time period specified by the system board.*

*b) During the period of suspension, a library cannot participate in any system services and has no obligation to the system except obligations specifically incurred prior to the date of the suspension. If the library does not reestablish its membership in the system within three years of the date of*

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*suspension, or if a library receives three suspensions within a period of three consecutive years, the State Librarian shall terminate the library's membership in the system.*

*c) If the State Librarian does not concur in the suspension of a member library by the system board, he shall so inform the system board and the library and shall furnish a written explanation of his decision. The suspension, then, shall not take effect.*

*d) A library whose membership in a library system is terminated shall return to the system administrative headquarters all library materials and equipment purchased with system funds and on deposit at such library.]*

**Section 3030.30 Other Categories of System Membership**

No other category of system membership is recognized.

**Section 3030.40 Establishment of Systems and Subsequent Changes was 3030.25**

The State Librarian shall approve an application for the creation of a library system if the bylaws and plan of service of the proposed system meet the standards and objectives of Section 10/4 of the Act and this Part for the system area.

**Section 3030.60 Geographic Boundaries and Demographics was 3030.30**

a) The geographic boundaries of a library system shall be those boundaries approved by the State Librarian. In setting geographic boundaries, the State Librarian shall place primary importance on the statewide implications for resource sharing, the efficient use of public funds, the impact on affected libraries of all types, and the impact on services provided by the affected library systems. After the primary considerations have been addressed, the State Librarian may also take into consideration such factors as transportation, marketing area, geography, cultural orientation, and the boundaries of educational units in the area in making a final determination of the geographic boundary being considered. The area served by a library system must be contiguous except the public library serving Norridge and Harwood Heights is served by the library system serving the non-public libraries in Chicago. Library system boundaries do not overlap except in the City of Chicago where a library system serves the non-public libraries and the Chicago Public Library System serves the public library and its branches.

b) A public library service area will be wholly within the boundaries of a single library system with the exception noted in Subsection "a" above.

c) When academic and special libraries have library outlets in more than one library system area, a library system can accept an academic library or special library as a member if the library meets the requirements of this part.

**Section 3030.70 Adjustment of the Geographic Boundaries of Library Systems was 3030.120**

a) The State Librarian may direct the Illinois State Library Advisory Committee to review the geographic boundary in a specific area or the existing geographic boundaries for all library systems, whenever one or more of the following conditions are present.

1) There is new demographic information available from a federal census or other sources.

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2) Two or more library systems request that the State Librarian review a shared boundary in a specific area of the State.

3) A change in library management practices, governance, funding, or technology significantly impacts one of the factors considered in Section 3030.60 of this Part.

b) The Illinois State Library Advisory Committee will notify libraries and library systems that would be directly affected by a proposed adjustment of a geographic boundary that the boundary is being reviewed and will provide them with the following information:

1) A general description of the boundary adjustment that is being considered.

2) The effect that the boundary adjustment would have on system membership in the area under review.

3) The criteria from Section 3030.70 of this Part that are being used to evaluate the proposed boundary adjustment.

4) The date by which comments on the proposal must be received by the Illinois State Library and the address to which comments must be sent.

5) The date, time, and location of the meeting at which the Illinois State Library Advisory Committee will discuss the proposed adjustment to geographic boundaries.

c) Each library and library system in the affected area will be encouraged to submit a statement indicating whether or not there is agreement with the proposed adjustment of the geographic boundary.

d) The Illinois State Library Advisory Committee will review the information that prompted the proposed adjustment, the comments received from potentially affected libraries and library systems, and any other information that may be provided by the Illinois State Library, and will hold a meeting to discuss the proposed adjustments to geographic boundaries.

e) The Advisory Committee will make a recommendation to the State Librarian on each suggested adjustment to the geographic boundaries of library systems.

f) The State Librarian shall issue a final decision regarding the proposed boundary adjustment after reviewing the recommendation of the Illinois State Library Advisory Committee and

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any information presented to the Advisory Committee in accordance with the criteria set forth in Section 3030.70 of this Part.

g) The State Librarian shall adjust the area and population of the affected library systems at the beginning of the State fiscal year that commences at least eight months after, but no more than twenty months after, the final decision. The system membership changes will take place at that time or earlier, if the library system gaining the members is in agreement to provide service earlier.

**Section 3030.80 Mergers was 3030.85**

a) **Merger [was Termination]** of One Library System into One or More Library Systems

1. In the event that the board of directors of a library system determines to terminate the system in order to merge the service area of the system into one or more adjoining library systems, each board shall poll the member libraries of the system. If at least two-thirds of the full member libraries that vote on the issue support the proposed merger in each system area, the board of directors of the affected library systems shall submit an application for merger to the State Librarian stating the intent of the member libraries. Such application shall contain:

A) Complete list of all liabilities of the library system to be terminated.

B) Complete list of all assets of the library system including detailed equipment descriptions.

C) Proposals for distribution of assets and liabilities. The sale of any equipment or real property shall be at the approval of the State Librarian. Every effort shall be made to ensure the equipment continues to be used to provide member services.

D) A plan for orderly transition of system services.

2. The State Librarian will then determine how the assets, liabilities and obligations of the system to be terminated will be allocated to the existing systems, largely based upon percentage of population and area of the terminated system being merged with the existing systems.

b) Merger of Two or More Library Systems

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1. In the event that the boards of directors of two or more library systems determine to terminate the systems in order to merge with one another to form a single new system, the boards shall poll the member libraries of the systems. If at least twothirds of the full member libraries that vote on the issue in each library system support the proposed merger, the boards of directors of the library systems shall submit an application for merger to the State Librarian together with a plan for the creation of the new system. Such application shall contain:

A) Complete list of all liabilities of the existing library systems.

B) Complete list of all assets of the existing library systems including detailed equipment descriptions.

C) Proposals for distribution of assets and liabilities. The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for the continuance of system services by the successor system or to member libraries.

D) A plan for the orderly transition of system services including the plan of service for the first year of the new library system.

E) The proposed name of the new library system

2. All distribution of assets and liabilities shall be with the approval of the State Librarian.

3. Upon approving the application, the State Librarian will direct the member libraries in said service areas to proceed to form a successor system in accordance with Section 3030.40 of this Part. **[dropped: the assets and liabilities of the terminated systems will then be transferred to the successor system.]**

**Section 3030.90 Non-Compliance with the Act was 3030.110**

a) When the State Librarian finds that a library system is not complying with the Act, this Part or its approved plan of service or has failed to submit an application or reports that meet the requirements of this Part, the State Librarian shall notify the system board in writing of his finding and set a date by which the library system must achieve compliance or submit for approval a plan that will effect compliance. Until the State Librarian's concerns are satisfactorily addressed, area and per capita grant money shall be withheld from the library system.

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b) If the library system board has not adequately addressed the State's requirements by the specified date, the State Librarian shall revoke the approval of the system, effective as of the end of the fiscal year in which the conditions are not met. The State Librarian shall then proceed to liquidate the system under Section 3030.100 of this Part.

c) An administrative review of the State Librarian's decision may be requested pursuant to 23 IL Adm. Code 3030.30. If an administrative review is requested, the library system will operate under the guidance of the Illinois State Library until a decision is reached during the administrative review process. If the revocation is upheld, the liquidation process in Section 3030.100 will be followed. If the revocation is not upheld, the library system will continue operating, with oversight by the Illinois State Library as needed.

**Section 3030.100 Liquidation was 3030.80**

a) Upon **the decision** to terminate a system and to cause a liquidation thereof, the State Librarian shall:

1. Poll the adjoining systems to assess to what extent and at what date any such adjoining systems can provide, to all or part of the service area of the liquidating system, a level of service equal to that provided by the liquidating system; and

2. Assess whether and to what extent adjoining systems can assume and absorb the assets and liabilities of the system proposed to be liquidated.

b) The board of directors of the library system shall develop the plan of liquidation for approval of the State Librarian. Such plan shall contain:

1. Complete list of all liabilities for the library system

2. Complete list of all assets of the library system, including detailed equipment descriptions

3. Proposals for distribution of all assets and liabilities

4. A plan for the orderly transition of system services.

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c) All distribution of assets (including equipment items and real property) and liabilities shall be with the approval of the State Librarian.

d) The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for the continuance of member services.

e) Once the State Librarian has determined that one or more of the adjoining systems meet the conditions stated above, the member libraries within the service area of the liquidating system will be notified that they may apply for membership to a new library system serving that area.

f) The State Librarian shall solicit and consider information regarding proposed boundary adjustments from each of the affected libraries before making the final determination as to the geographic boundaries of the library systems in the area previously served by the liquidating system.

**Section 3030.105 Governing Board was 3030.95**

a) There will be no alternate directors on system boards.

b) Board members must be eligible electors in the geographical area of the system.

**Section 3030.110 Forms was 3030.15**

The State Librarian shall prescribe **format and content** for applications and reports.

**Section 3030.120 Service Standards was 3030.50**

Service standards for the library systems are included in Appendix A of this Part.

**Section 3030.130 Annual Application was 3030.65**

a) Each Library System shall adopt a plan of service that covers the services provided by the system headquarters and the cooperative services of member libraries prior to July 1 of each year and for the ensuing fiscal year. The plan shall include a signed certification by the library system board president and executive director of the library system that the plan of service is up-to-date **[was *The plans shall be reviewed. And revised if necessary, by the system board on an annual basis*]**. The State Librarian shall review the system plans every year, as part of the application for system funds cited in 23 Ill Adm. Code 3035.130, and

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shall approve them if they ensure that the systems will achieve the service standards of Appendix A of this Part and are not in conflict with State law and rules of the State Librarian. If the plan is not in compliance, the State Librarian shall take action in accordance with Section 3030.90 as provided in this Part. The plan will consist of:

1) A Long Range Plan for the maintenance and development of system headquarter's services and programs for member libraries. The Long Range Program shall include goals and measurable objectives **[dropped: and a process for evaluating if the objectives have been met]**. The plan shall show evidence of being developed with input from the board and membership and shall cover three to five years including the fiscal year of the annual application.

2) An **Operational** Plan for the fiscal year, including specific plans for services that address the system standards cited in Appendix A of this Part. The plan shall show evidence of being developed with input from the board and membership. The plan shall include a list of all available services for which a fee is proposed, and shall include an explanation and justification for the fee. No new fees or fee charges shall be implemented until after the operational plan is approved by the State Librarian.

3) An annual budget for the ensuing fiscal year.

4) A copy of the most recently filed Statement of Economic Interest required by Article 4A of the Illinois Governmental Ethics Act for each member of the System Board of Directors, for the System executive director and for all other System employees required to file a Statement under subsection (i) of Section 4A-101 of the Illinois Governmental Ethics Act, 5 ILCS 420/.

5) A copy of the ordinance or resolution required by Section 70-5 of the State Officials and Employees Ethics Act and adopted by the System Board of Directors. After a copy of the ordinance or resolution has been submitted to the Illinois State Library, only changes to that ordinance or resolution adopted by the Board of Directors need be submitted in subsequent years. In addition, each System shall post the adopted ordinance or resolution on its Web site along with any subsequent adopted changes.

6) A description of all pending litigation that could have a fiscal impact on the System. The description shall include the case name, docket number, legal representation, a brief explanation and a cost breakdown and analysis.

7) A certification signed by the President of the System Board of Directors and the System executive director that during the preceding 12 months the System Board of Directors has reviewed and is in compliance with applicable provisions of the Open

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Meetings Act, the Freedom of Information Act, the Illinois Public Labor Relations Act, the Illinois Governmental Ethics Act, the State Officials and Employees Ethics Act, the Public Funds Deposit Act, the Public Funds Investment Act, the Illinois Municipal Retirement Fund Act, the Public Officer Prohibited Activities Act, the Illinois Library System Act, and the Illinois Human Rights Act.

8) A listing and description of all corporations formed exclusively by the System, or in cooperation with any other entity. The description shall include the name of any such corporation, the purpose or purposes for which it was formed, and the names of any members of the System Board of Directors or System staff holding office or receiving compensation and/or reimbursement during the previous 12 months from each such corporation and the amount of that compensation or reimbursement. For each corporation, the System shall submit the Articles of Incorporation filed with the Illinois Secretary of State and any amendments to those Articles and copies of the most recent annual reports for each such corporation filed with the Illinois Secretary of State and the Illinois Attorney General. For each such corporation, the System shall disclose the amount of System and Area Per Capita Grant funding expended, either directly or indirectly, during the preceding 12 months in support of the activities of the corporation. For each such corporation, the members of the System Board of Directors and the System executive director shall sign a certification that no System Area and Per Capita Grant funds have been expended during the previous 12 months on any affiliated corporate activities that were not directly related to, and in support of, the core system library services enumerated in this Part.

9) A report on which system standards included in Appendix A of this Part are met and not met and how the system plans to address the unmet standards.

10) Other information that may be requested by the State Librarian.

*[dropped: c) an up-to-date listing, with membership categories of all system members, including name of library, address, telephone numbers, and other information that may be requested by the State Librarian. d) A cover sheet, on a form provided by the State Librarian, certifying that the plan of service is up-to-date with signatures of the Board President and System Director. e) Operational plans for system standards according to the implementation plan established by the State Librarian in Section 3030.50 of this Part.]*

**Section 3030.140 Finances and Records was 3030.90 (rearranged)**

The fiscal year for each library system shall begin July 1 and end on June 30 of each year.

The board of directors of each library system shall:

- 1) Maintain all financial records at the system administrative headquarters.
- 2) Account for all funds of the library system by expenditure, encumbrance or reserves at June 30 of each year.

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3) Maintain an inventory of all equipment purchased. **[dropped: library materials and The inventory shall be attested to by the system auditor.]**

4) Maintain financial records and submit reports in compliance with the Uniform Accounting and Reporting Manual for the Illinois Library System Headquarters (available from the Office of the Secretary of State, Illinois State Library, Room 515, 300 S. Second Street, Springfield, IL 62701-1796) or at the direction of the State Librarian.

5) Ensure that the technological equipment and software are in working order and that reasonable updates to the equipment and software are periodically made in order to safeguard electronic financial information, records and employee data.

6) Approve the annual application for Area and Per Capita Grant funding that is to be submitted to the State Librarian prior to July 1 each year. The annual application shall consist of items stipulated in Section 3030.130 of this Part.

7) Cause **and approve** an annual audit of the records of the library system for the preceding fiscal year **[dropped: and those maintained by the Treasurer]** to be made by an independent certified public accountant and cause copies of the audit to be made **available [was to be filed with]** to each member library of the library system and with the State Librarian on or before September 30 following the end of the fiscal year. Audits shall be conducted in accordance with "Government Auditing Standards, 2003 Revisions", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G Street NW, Washington, DC 20548. The material incorporated by reference includes no later amendments or editions.

8) Approve the annual report of the library system that shall be filed with the State Librarian on or before September 30 of the year for the preceding fiscal year, July 1-June 30. The report shall be on forms prescribed under Section 3030.110 of this Part and shall include all components prescribed under Section 3030.160 of this Part.

**[dropped: 3) Submit a management letter prepared by the system's auditor as part of the annual audit. 5) Submit, prior to July 1 of each year, an estimated budget for the ensuing fiscal year according to the requirements cited in 23 Ill. Adm. Code 3035.105.]**

**Section 3030.150 Board of Directors Policies and Procedures was 3030.100**

**a) Policies and procedures [was rules]** adopted by the system boards for the governance of library systems

shall be filed with the State Library. Such policies and procedures should cover, at a minimum, the following areas of system operations:

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1. Fiscal accountability policies,
2. Personnel policies,
3. Fulfillment of the system's Plan of Service,

**[dropped: c) *Criteria for the approval of the new members*]**

4. Provision for appeal of system board decisions affecting **the membership status of member libraries, [was *approval for membership or suspension of libraries from membership*]**

5. Compliance of library system board members and staff with the Illinois Government Ethics Act (5 ILCS 420/4-101).

b) All library system policies and procedures shall be in accordance with state law and subject to approval by the State Librarian.

c) No later than 60 days after these rules changes become effective, each System shall adopt, post on its Web site and submit to the Illinois State Library a copy of one or more policies that regulate certain activities of the System in a manner no less restrictive than as follows:

1) Contracts and Purchasing.

A. Purchases of \$20,000 or more

i. All contracts for supplies, materials or work involving an expenditure of \$20,000 or more, other than professional services, shall be awarded to the lowest responsible bidder after due advertisement at least once in a newspaper or newspapers of general circulation within the area of the System not less than 14 days before the bid date.

ii. All competitive bids for contracts involving an expenditure of \$20,000 or more must be sealed by the bidder and must be opened by a board member or employee of the System at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

iii. The System Board of Directors may reject any and all bids and readvertise. The system shall not be required to accept a bid that does not meet the System's established terms of delivery, quality, and serviceability requirements.

iv. In the case of an emergency when the emergency expenditure is approved by 3/4 of the members of the System Board of Directors, a contract can be let without advertising for bids. When possible, emergency purchases shall be made on the basis of three informal competitive quotations.

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B. Purchases of more than \$5,000 but less than \$20,000 Any purchase by a System for services, materials, equipment or supplies, other than professional services, with a value greater than \$5,000 but less than \$20,000 shall be made, whenever feasible, on the basis of three or more informal competitive quotations.

C. Governmental Agencies The requirement to advertise for bids does not apply to contracts for goods or services procured from another governmental agency.

D. Professional Services Contracts which, by their nature, are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for utility services such as water, light, heat, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding.

2) Conflict of interest. No System employee, nor the spouse or minor child of a System employee, may be in any manner financially interested directly in his (their) own name or indirectly in the name of any other person, association, trust or corporation in any purchase or lease contract entered into by the System. This provision shall not apply if the purchase or lease contract is with a person, firm, partnership, association, corporation or cooperative association in which the interested employee, the employee's spouse, or the employee's minor child has less than a 7 ½ percent share of the total distributable income. Any purchase or lease contract entered into by the System with an employee, his or her spouse, or minor child before the start of the employee's employment with the System in which the employee, his or her spouse, or minor child has a pecuniary interest is voidable if it cannot be completed within 365 days after the employee is employed.

3) Travel expenditures. It is the policy of the System to reimburse full and part-time employees and members of the System Board of Directors for reasonable authorized expenses incurred by them in the performance of their duties. The System Board of Directors shall develop a policy for the control of travel sufficient to prevent obligation of

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funds exceeding budget limitations and to hold travel to the minimum required for the efficient and economical conduct of the System's business. The procedure for the control of travel established by the Board shall include a description of the System's travel approval procedure, allowable transportation expenses, non-reimbursable expenses, and rates of reimbursement for mileage, including automobile, air and train; per diem/meals; and lodging. Mileage for automobile travel shall be reimbursed at a rate no greater than the allowance rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2). Rates for the reimbursement for expenses other than mileage shall not exceed the actual cost of travel as determined by the United States Internal Revenue Service. The System Board of Directors will at least biennially review and revise travel reimbursement rates to reflect, as accurately as possible, the actual amounts necessary to reimburse employees. Examples of non-reimbursable expenses that shall be included in the System travel control policy include: alcoholic beverages; coat check; entertainment; late checkout and room guarantee charges (unless special circumstances exist and System Director approval is obtained); meals for other System employees or Board members; parking tickets or other traffic tickets and charges associated with locksmith service; tips beyond those specifically established as allowable by the System travel control policy; and transportation to procure meals, except under circumstances when such transportation is allowed by the System travel control policy.

4) Secondary employment. No System employee may accept employment that may cause conflict of interest or infringe on official work time with the System. An employee seeking employment outside the System, before accepting employment, must complete a form provided by the System. The form shall include, but not limited to the name of the employer, the nature of the duties, the hours of work and the type of employment. The System Board of Directors shall review the information provided on the form and shall determine by a vote of the Board whether a conflict exists with the System and the employee's secondary employment. An employee who accepts secondary employment which is determined to be a conflict or who refuses to complete the necessary forms outlined in this subsection, may be subject to disciplinary action up to and including discharge.

**Section 3030.160 Annual System Reports was 3030.130**

Each library system shall file an annual report with the State Librarian on or before September 30 of each year for the preceding fiscal year, July 1 – June 30. The report shall be on forms prescribed by the State Librarian, in compliance with Section 3030.110 of this Part, and shall include:

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- a) A narrative report containing an evaluative description of the system's activities and accomplishments for the year in light of the library system standards **of service** **[dropped: and objectives set forth in the annual application]** specified in Appendix A of this Part.
- b) A **[dropped: statistical]** report containing data on system membership, the volume of interlibrary loan and reciprocal borrowing transactions, staff positions authorized and filled, salary schedules and fringe benefits, and other information requested by the State Librarian. The report shall be accompanied by, but not limited to, additional documents including **[dropped: an inventory of equipment purchases, a table or chart of organization,]** a schedule of system board meetings **for the current fiscal year**, the latest approved bylaws, and a photocopy of the treasurer's surety bond.
- c) A list of changes in system membership including but not limited to, a list of all library mergers, changes of library names, and territorial changes of public library members with complete legal descriptions. **[dropped: new members of the system (by type of library), public library annexations, documentation of changes in square miles, and an updated summary of changes in the system that are served and not served by public libraries.]**
- d) An annual audit as prescribed in Section 3030.140 of this Part.
- e) Other information that may be requested by the Secretary of State.

SUBPART C: PUBLIC LIBRARY SYSTEM

**Section 3030.2XX Application/Plan of Service for a Public Library System was 3030.70 (Repealed)**  
**[forthcoming]**

SUBPART D: ADMINISTRATIVE HEARINGS

**Section 3030.300 Administration of the Act: Hearings was 3030.20**

- a) The State Librarian shall provide for a hearing under the procedures in the Subpart to reconsider decisions made in the administration of the Act regarding:
- 1) The denial of approval of a library system,
  - 2) The revocation of approval of a library system,
  - 3) The denial by the State Librarian of a library's application in full or in part for membership in a library system **in accordance with the following guidelines:**

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- 4) The suspension of a library from membership in a library system,
- 5) The adjustment of the geographic boundaries of a library system.
- 6) The State Librarian finds that an existing library system has failed to meet the criteria established by the Act [75 ILCS 10] or this Part.
- b) The State Librarian shall provide for a hearing under the procedures in 23 Ill. Adm. Code 3035.150 to consider decisions made in the administration of the Act regarding the denial of any state grant.

**Section 3030.310 Administrative Review of State Librarian's Decision in Contested Cases was 3030.122**

- a) A library or library system seeking reconsideration of the State Librarian's decision in contested cases shall request in writing a hearing within thirty days after the date of the decision.
  - b) Grounds for appeal shall include that the rules covering the situations specified in Section 3030.300 of this Part were not applied or were applied incorrectly by the Illinois State Library and/or the Illinois State Library Advisory Committee.
  - c) Grounds for appeal shall not include the library or library system would like to submit additional or clarifying information beyond the deadline.
- [dropped: 2) Funds appropriated for grants cited in Section 3030.20(e) of this Part remain unobligated after successful applicants were awarded grants.]*
- d) Upon receipt of a request for review the State Librarian shall appoint an administrative law judge to officiate at the review hearing. The administrative law judge shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law.
  - e) No person who has a bias or conflict of interest regarding the contested matter shall be appointed administrative law judge.

**Section 3030.320 Notice of Hearing was 3030.122**

Within fifteen (15) days after the administrative law judge's appointment, the administrative law judge shall serve notice by either certified or registered mail to the parties. The notice shall include the following:

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- a) A statement of the time, place, and nature of the hearing. The hearing shall be held within thirty (30) days after the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield;
- b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c) A reference to the particular Sections of the substantive and procedural statutes and rules involved;
- d) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;
- e) The name and mailing address of the administrative law judge and all interested parties who have been given personal notice.

**Section 3030.330 Conduct of Hearing was 3030.123**

- a) All hearings shall be open to the public.
- b) All parties may be represented by legal counsel.
- c) All parties shall be afforded opportunity to present evidence and argument and to respond to evidence and argument presented by other parties.
- d) Each party shall have the right to present and examine witnesses appearing on their own behalf, to introduce exhibits, and to cross-examine opposing witnesses presented on any matter relevant to the issues. No subpoena shall be issued to compel the appearance or testimony of any witness or party.
- e) Parties may agree by stipulation upon any fact involved in the hearing.
- f) Any party shall have the right, upon written motion made at least ten (10) business days prior to the hearing, to inspect any relevant document in the possession of, or under the control of, any other party, subject to any statutory or constitutional privileges. Inspection of documents shall be at times and places reasonable for the custodian of the documents. Discovery depositions are not authorized, required or permitted.

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g) Disposition of the contested case may be made by stipulation, agreed settlement, consent order or default.

h) A request for continuance of a hearing is directed to the sound discretion of the administrative law judge. Such continuance may be granted, for good cause shown, provided the request is received by the administrative law judge and other parties not less than five (5) days prior to the hearing date or unless good cause is shown during the hearing. Such request shall be in writing and shall set forth the grounds alleged therefore. Oral request for continuances shall not be granted unless made during the hearing for good cause. "Good cause" is shown when a party demonstrates a real and compelling need for additional time.

i) No formal hearing shall be continued "generally." A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior hearing date, at which time the hearing shall reconvene.

**Section 3030.340 Motions was 3030.124**

a) Unless made during a hearing, motions shall be made in writing and shall set forth the relief or order sought.

b) Amendments to all pleadings, motions and petitions to intervene shall be allowed upon proper motion at any time during the proceeding.

**Section 3030.350 Order of the Hearing was 3030.125**

a) The following shall be the order of the hearing subject to modification by the administrative law judge if the administrative law judge determines that such modification would avoid undue delay and would not prejudice the rights of any party:

- 1) Introduction and opening statement by administrative law judge;
- 2) Complainant's opening argument;
- 3) Respondent's opening argument;
- 4) Complainant's case in chief;
- 5) Respondent's case in chief;

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- 6) Complainant's case in rebuttal;
- 7) Respondent's closing argument;
- 8) Complainant's closing argument;

b) At the administrative law judge's discretion, parties may be asked to file a written brief instead of, or in addition to, a closing argument.

c) All testimony taken shall be under oath or affirmation. All motions and objections shall be stated in writing or orally on the record, including the grounds for such objections.

d) After the hearing, the administrative law judge shall review the record and provide a recommendation within fifteen business days to the State Librarian.

**Section 3030.360 Authority of Administrative Law Judge was 3030.126**

The administrative law judge shall conduct a fair and impartial hearing, take all necessary action to avoid undue delay, maintain order, and ensure development of a clear and complete record.

**Section 3030.370 Record of the Hearing was 3030.127**

- a) The record of the hearing shall include the following:
  - 1) All pleadings (including all notices and responses thereto), motions, and rulings;
  - 2) All evidence received;
  - 3) A statement of matters officially noticed;
  - 4) Any offer of proof, objection, and ruling thereon;
  - 5) Any proposed finding and exception;
  - 6) Any decision, opinion or recommendation reported by the administrative law judge;

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- 7) All memoranda or data submitted to the administrative law judge or to the State Librarian in connection with the matter;
- 8) Any ex parte communication received by the State Librarian, his employees or administrative law judge. No such communication shall form the basis for any finding of fact;
- 9) The Order of the State Librarian which shall constitute a final administrative decision within the provisions of the Administrative Review Law.
- b) Oral proceedings or any part thereof shall be recorded stenographically or by other means that will adequately ensure the preservation of the proceeding and shall be transcribed at the request of any party at that party's expense.
- c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

**Section 3030.380 Rules of Evidence; Official Notice was 3030.128**

- a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this state shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
  
- b) The library or library system bears the burden of showing by clear and convincing evidence that the matter should have been handled in the opposite manner.
  
- c) All items submitted into evidence shall be typewritten or printed and shall not exceed a width of 8 1/2 inches and a length of 11 inches. All items submitted into evidence shall be clearly marked with the name, address and telephone number of the party submitting the item.
  
- d) Official notice will be taken as authorized by Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].

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**Section 3030.390 Decisions and Orders was 3030.129**

a) All final decisions or orders shall be in writing and shall include findings of fact and conclusions of law separately stated. All parties or their agents appointed to receive service of process shall be notified of the State Librarian's final decision personally or by registered or certified mail within thirty days after the administrative law judge's report. Findings of fact shall be accompanied by a concise and explicit statement of the underlying fact supporting the findings. Parties or their agents appointed to receive service of process shall be notified either by registered or certified mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed to each party.

b) All orders shall specify that they are final and subject to Administrative Review Law.

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**Additionally Dropped:**

**3030.40 Contracting Libraries**

**3030.45 Accessing Resources and Services (Repealed)**

**3030.55 Service to State Institutions (Repealed)**

**3030.60 Services to the Physically Disabled (Repealed)**

**3030.75 Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System**

**3030.105 State Grants (Repealed)**

**3030.106 Educate & Automate Automation/Technology Grants (Repealed)**

**3030.135 Withdrawal of Membership**

## Comparison of Existing and Proposed Administrative Rules for Regional Library Systems

Current administrative rules: 23 IL Adm. Code 3030, <http://tinyurl.com/sysrules>

Current Rules	Proposed Rules	Changes	Rationale and/or Benefit(s)
3030.10 Definitions	Subpart A	Definitions updated, added and deleted.	Aligns current definitions with contemporary practices, adds and deletes words defined to reflect updated rules and standards appendix.
3030.15 Forms	3030.110	Minor wording change.	
3030.20 Adm. of the Act: Hearings	3030.300	Removes "denial of grant" as reason for hearing (included in grant rules); adds provision for hearing is system fails to meet criteria	Deletes duplicative language and expands the provision of hearings for systems.
3030.25 Establishment of systems	3030.40	Now entitled "Establishment of systems and subsequent changes"	More accurately describes the intent of the section.
3030.30 Geographic boundaries	3030.60	Now entitled "Geographic Boundaries and Demographics"	More accurately describes the intent of the section.
3030.35 Membership in a library system	3030.10 through 3030.40	Adds clarification about overlapping boundaries; states how multi-building academic and school libraries can become system members; requires full membership criteria to be the same for all systems, with mutual agreement of systems and State Librarian; provides for one-time developmental membership for up to five years with existing developmental libraries granted five years from the effective date of the rules.	Provides uniformity statewide for library system membership. Supports newly forming libraries by establishing a developmental category of system membership and guides them to full membership in five years.
3030.40 Contracting libraries	-----		
3030.50 Service standards	3030.120 and Appendix A	Major rewrite of system standards.	Accurately describes contemporary practices and clarifies the standards in order to promote consistency, transparency and uniformity, roles and core standards.
3030.65 Plan of service for cooperative or multitype system	3030.130 Annual Application	Clarifies timeframe of long range plan; clarifies no new fees or changes until operational plan is approved by State Librarian; adds budget as part of application; includes copies of statements of economic interest and ethics ordinance; adds certification of compliance with various state including Open Meetings Act; includes listing of corporations with system involvements; includes report on meeting system standards.	Clarifies the assembly and components of the Annual Application and promotes alignment with contemporary government rules and practices.
3030.75 Conversion to multitype system	-----		
3030.80 Liquidation	3030.100	Minor wording change	
3030.85 Merger	3030.80 Mergers	Application to State Librarian includes proposed new name of library system.	Provides clarification of existing rule.
3030.90 Finances & records	3030.40	Adds board responsibilities in this section including ensuring technological equipment and software are up-to-date, approving annual report and annual grant application.	Accurately assesses the roles and duties of contemporary boards of directors.
3030.95 Governing board	3030.105	Adds requirements that board members must be eligible electors in the geographical area of the system, i.e. be eligible to register and vote.	Aligns rules with contemporary government rules and practices.
3030.100 Rules	3030.150 Board of Directors Policies and	Makes a number of changes including adding minimum requirements for purchasing and contracts; addresses conflict of interest; addresses travel	Aligns rules with contemporary government rules and practices.

	Procedures	expenditures and addresses secondary employment.	
3030.220 Revocation of approval	3030.90 Non-Compliance with the Act	Allows State Librarian to withhold funds until compliance issues are addressed; provides for an administrative review of the State Librarian's decision.	Provides some flexibility for library systems and the Office of the Secretary of State by permitting the State Librarian to withhold partial funds, rather than an all-or-nothing acceptance or denial of the entire grant application.
3030.115 Suspension of library from membership	3030.20 Changes in Membership Status	Specifies up to five consecutive years for developmental membership along with a number of wording changes.	
3030.120 Adjustment of geographic boundaries	3030.70	Encourages statements from library systems and libraries about the proposed adjustment of a geographic boundary.	Encourages more active participation during an adjustment proposal.
3030.121-129 Hearing process	3030.300 – 3030.390	Wording changes	
3030.130 System annual reports	3030.160	Adds the annual audit as part of the annual report.	
3030.135 Withdrawal of membership	-----		
	Subpart C – Public Library System	New language specific to library system serving only public libraries.	Clarifies the public library systems' roles and responsibilities, differentiated because the public libraries' governance structures have authority over the public library systems.

DRAFT