

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 536

By: Senator D. Sullivan
By: Representative Long

For An Act To Be Entitled

AN ACT TO ABOLISH THE ARKANSAS STATE LIBRARY; TO ABOLISH THE STATE LIBRARY BOARD; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE ARKANSAS STATE LIBRARY TO THE DEPARTMENT OF EDUCATION AND THE ARKANSAS STATE ARCHIVES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH AND TRANSFER THE ARKANSAS STATE LIBRARY AND THE STATE LIBRARY BOARD; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of Arkansas State Library.

(a)(1) The Arkansas State Library is abolished, and its authority, functions, records, contracts, personnel, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Education.

(2) Except as otherwise provided in this act, the duties and property of the Arkansas State Library are transferred to the Department of Education.

(b) Except as otherwise provided in this act, the Arkansas State Library's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Education.



(c)(1) The abolishment of the Arkansas State Library does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas State Library before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas State Library shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 2. DO NOT CODIFY. Abolition of State Library Board.

(a) The State Library Board is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Education.

(b) The State Library Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Education.

(c)(1) The abolishment of the State Library Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the State Library Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the State Library Board shall continue to be in effect until they are amended or repealed by the Department of Education.

SECTION 3. Arkansas Code § 6-47-302(d), concerning the implementation of courses offered in elementary and secondary schools, is amended to read follows:

(d) The Division of Elementary and Secondary Education shall work with the Arkansas School for Mathematics, Sciences, and the Arts, the Educational Television Division, the education service cooperatives, ~~the Arkansas State Library,~~ and other state agencies involved in distance learning.

SECTION 4. Arkansas Code § 13-2-103(c), concerning the Arkansas State Library, is amended to read as follows:

(c) Copies of the standards and rules for the enforcement of this section shall be submitted to the Arkansas State ~~Library~~ Archives.

SECTION 5. Arkansas Code § 13-2-201 is repealed.

~~13-2-201. State and local publications defined—Exemptions.~~

~~(a) As used in this subchapter, the terms “state publication” and “local publication” shall include any document issued or printed by any state agency or local government which may be released for distribution, but these terms do not include:~~

- ~~(1) The bound volumes of the printed acts of each of the sessions of the General Assembly;~~
- ~~(2) The bound volumes of the Arkansas Supreme Court Reports;~~
- ~~(3) Printed copies of the Arkansas Statutes of 1947 Annotated or pocket part supplements thereto;~~
- ~~(4) Any other printed document which may be obtained from the office of the Secretary of State upon the payment of a charge or fee therefor;~~
- ~~(5) Correspondence and intraoffice or interoffice or agency communications or documents which are not of vital interest to the public;~~
- ~~(6)(A) Publications of state or local agencies intended or designed to be of limited distribution to meet the requirements of educational, cultural, scientific, professional, or similar use of a limited or restricted purpose and which are not designed for general distribution.~~
- ~~(B) Similarly, other publications or printed documents which are prepared to meet the limited distribution requirements of a governmental grant or use which are not intended for general distribution shall also be deemed exempt from the provisions of this subchapter unless funds have been provided for printing of a quantity of such publications sufficient for distribution.~~

~~(b) A depository copy of each document noted in subdivisions (a)(1), (2), (3), and (6) shall be made available to the Arkansas State Library.~~

SECTION 6. Arkansas Code §§ 13-2-203 - 13-2-209 are repealed.

~~13-2-203. Arkansas State Library created.~~

~~(a) There is created and established within the Department of Education a division to be known as the Arkansas State Library.~~

~~(b) The library shall function within the Department of Education in the same manner as provided by agencies transferred pursuant to a cabinet~~

~~level transfer under § 25-43-105 and which shall be adequately funded and properly housed in a designated building at the seat of state government.~~

~~13-2-204. State Librarian.~~

~~(a) The Arkansas State Library shall be headed by the State Librarian, to be appointed by the State Library Board, in consultation with the Secretary of the Department of Education. The State Librarian shall serve for such time and for such terms as the board may prescribe.~~

~~(b) The State Librarian shall be a person of good professional standing and reputation, holding at least a master's degree from a graduate school of library science accredited by the American Library Association, and shall have had experience in library administration in academic, public, school, or special libraries.~~

~~(c) The State Librarian shall have charge of the work of the library and shall perform such other duties as the board may prescribe.~~

~~13-2-205. State Library Board.~~

~~(a) There is created the State Library Board.~~

~~(b)(1) The board shall consist of seven (7) members, to be appointed by the Governor subject to confirmation by the Senate.~~

~~(2) The members of the board shall be appointed by the Governor for reasons of their interest in libraries and in statewide library development.~~

~~(3)(A) One (1) member of the board shall be appointed from each of the four (4) congressional districts of this state in existence at the time of appointment, and three (3) members shall be selected from the state at large.~~

~~(B) However, no more than two (2) members of the board shall be appointed from any one (1) congressional district.~~

~~(4)(A) All members appointed to the board shall serve terms of seven (7) years and until their successors are appointed and qualified.~~

~~(B) No board member shall be appointed to serve for more than two (2) consecutive full terms.~~

~~(c) Vacancies occurring on the board due to death, resignation, or other reason shall be filled by appointment of the Governor for the remainder of the unexpired portion of the term in the same manner as for the initial~~

~~appointment.~~

~~(d)(1) Members of the board shall receive per diem at the rate established by law for attending board meetings or for performing other services required of members in their official capacity as members of the board.~~

~~(2) In addition, members shall be entitled to mileage at the rate provided by law for official travel of state employees for each mile in traveling from their place of residence to meetings of the board and returning or for attending to other authorized business of the board.~~

~~13-2-206. Meetings of board.~~

~~(a) The State Library Board shall meet at such place or places and shall keep such records as it may deem appropriate.~~

~~(b) The board shall select annually a chair and any other officers as it deems necessary.~~

~~(c) The board shall adopt policies and bylaws governing its meetings, the conduct of its business, and the business of the Arkansas State Library.~~

~~(d) The State Librarian shall serve as secretary of the board, but without a vote thereon, and shall attend all of the board meetings and keep records thereof.~~

~~(e) A majority of the board's members shall constitute a quorum for the transaction of business, and all business transacted by the board shall be by majority vote of its members.~~

~~13-2-207. Powers and duties generally.~~

~~Within the limitations of facilities and funds provided for the Arkansas State Library, the Arkansas State Library shall:~~

~~(1) Acquire books and other library materials by purchase, exchange, gift, grant, or donation and catalog and maintain those books and materials and make them available for reference and research use of the public and the public officials and employees of this state and its political subdivisions under such rules established by the State Library Board as may be reasonably necessary to govern the use and preservation thereof;~~

~~(2) Establish and maintain a collection of books and library materials of and pertaining to Arkansas and its people, resources, and history and maintain the collection as a separate section within the Arkansas~~

~~State Library;~~

~~(3) Operate and maintain a collection of multimedia materials to complement book collections and establish reasonable rules for their use and preservation;~~

~~(4) Provide specialized services to the blind and individuals with physical disabilities under a cooperative plan with the National Library Service for the Blind and Physically Handicapped of the Library of Congress;~~

~~(5) Assist communities, libraries, schools, colleges, universities, study and civic clubs and groups, charitable and penal institutions, state agencies and departments, county and municipal governments, and any other institutions, agencies, and individuals with books, information, library materials, and services as needed;~~

~~(6) Direct the establishment and development of county and regional library systems and programs, devise and implement a certification plan for public librarians, and assist in the design and building of public library facilities;~~

~~(7) Conduct courses of library instruction, hold library institutes in various parts of the state, and encourage the recruitment and training of library personnel in any suitable manner;~~

~~(8) Cooperate with the Division of Elementary and Secondary Education and the Division of Higher Education in devising plans for the development of libraries, in aiding librarians in their administration, in certification policies, and in formulating rules for the use of libraries;~~

~~(9) Receive gifts of library materials, money, and real and personal property, to be held in trust, subject to the terms of the donation for the purposes of this subchapter;~~

~~(10) Be the official state library agency designated to administer state and federal programs of aid to libraries and to undertake such other activities and services as will further statewide development of libraries and library systems through interlibrary, interagency, and interstate cooperation in order to secure efficient and effective library service for all Arkansans;~~

~~(11)(A) Cooperate with the various officers, departments, and agencies of state government in pooling and sharing library materials and programs so that duplication of services and facilities shall be minimized and so that maximum utilization may be made of the library services and~~

~~resources of this state.~~

~~(B) In furtherance of subdivision (11)(A) of this section, the Arkansas State Library may enter into contracts or agreements with state officers, departments, and agencies for the provision of special library services where needed and, under the terms of the contract or agreement, may provide for the method of financing special costs incurred by the Arkansas State Library in furnishing and maintaining such special library services; and~~

~~(12) Perform all other functions and services that are common to the purposes and objectives of a state library.~~

~~13-2-208. Cooperation with other libraries.~~

~~(a) The Arkansas State Library shall cooperate with the public and private libraries in the State of Arkansas and may enter into necessary agreements with libraries in other states and the Library of Congress for the sharing of library books, documents, facilities, or services under such terms and conditions as the State Library Board shall determine to be within the scope and services of the Arkansas State Library and in keeping with the state's library programs.~~

~~(b)(1) The Arkansas State Library shall obtain reports from all libraries and each year report the condition, growth, development, and manner of development of those libraries and such other facts and statistics as may be of public interest.~~

~~(2) The Arkansas State Library shall include a summary thereof in its biennial report, which shall be filed with the Governor and the presiding officer of each house of the General Assembly.~~

~~13-2-209. Agreements with Arkansas State Archives and Secretary of State.~~

~~(a) The Arkansas State Library, acting through the State Library Board, is authorized to enter into necessary agreements with the Arkansas State Archives, with respect to an overall plan and design to assure that the functions and materials of the library and the Arkansas State Archives may be convenient to the public and public officials of this state and to its political subdivisions, and to assure that unnecessary duplication of services and facilities is minimized.~~

~~(b)(1)(A) In addition, the library is authorized to enter into contracts and agreements with the Secretary of State for the custody, storage, cataloging, or display in the library or Arkansas State Archives of any books, records, documents, or other papers in the custody of the Secretary of State.~~

~~(B) This shall be done under such terms and conditions as may be mutually agreed to by the parties.~~

~~(2) The library is also authorized to accept custody and control over any books, records, and documents which the Secretary of State is now required by law to keep or maintain in his or her official files or volumes, if:~~

~~(A) The Secretary of State shall determine that the records could be properly cataloged, stored, and preserved in the library or Arkansas State Archives; and~~

~~(B) The Governor agrees in writing for the transfer of the books, records, and documents from the Secretary of State to the library or Arkansas State Archives, in accordance with the terms of the agreement made in writing signed by the Secretary of State and the State Librarian or the State Historian for the custody, cataloging, preservation, and care of the records.~~

SECTION 7. Arkansas Code § 13-2-210 is amended to read as follows:

13-2-210. Depository for federal, state, and local documents.

~~(a) The Arkansas State Library shall serve as the state's regional depository library for federal documents and shall become the official depository for state and local documents~~ The Department of Education shall cause any property held by the former Arkansas State Library under the federal Depository Library Program to be transferred or disposed of in a manner consistent with 44 U.S.C. § 1901 et seq., as it existed on January 1, 2025.

~~(b) The Department of Education may transfer assets held pursuant to the federal Depository Library Program to any library eligible to receive the assets in question subject to the requirements of federal law.~~

SECTION 8. Arkansas Code § 13-2-211 is repealed.

~~13-2-211. Depository agreements and eligibility.~~

~~(a) The Arkansas State Library may enter into depository agreements with any city, county, district, regional, town, school, college, or university library in this state.~~

~~(b) The Arkansas State Library shall establish standards for eligibility as a depository library under this section, § 13-2-210, and §§ 13-2-212 — 13-2-214. The standards may include and take into account:~~

~~(1) The type of library;~~

~~(2) The library's ability to preserve state and local publications and to make them available for public use; and~~

~~(3) The library's geographical location, in order to assure that the publications are conveniently accessible to residents in all areas of the state.~~

SECTION 9. Arkansas Code § 13-2-212 is amended to read as follows:

13-2-212. State and Local Government Publications Clearinghouse.

~~(a) The Arkansas State Library shall create and maintain a State and Local Government Publications Clearinghouse~~ The Department of Education shall cause any property held by the Arkansas State Library under the State and Local Government Publications Clearinghouse Program to be transferred to the Arkansas State Archives.

~~(b) The Arkansas State Library shall make such rules as may be necessary to carry out the purposes of the clearinghouse.~~

~~(c)(1) All state agencies, including the General Assembly and its committees, constitutional officers, any department, division, bureau, board, commission, or agency of the State of Arkansas, all local governments, including cities of the first and second class and incorporated towns, and counties, and all boards, commissions, or agencies thereof shall furnish to the Arkansas State Library, upon release, a specified number of copies of each of its state or local publications.~~

~~(2) These publications shall be furnished to enable the clearinghouse to meet the needs of the Depository Library System and to provide library loan services to those libraries without depository status.~~

~~(3) The distribution will be required only if sufficient funds are appropriated for the printing of these materials by the agencies, boards, and commissions and for the distribution thereof by the Arkansas State Library to depository libraries.~~

~~(d) At least quarterly, and more frequently if funds are available, the clearinghouse of the Arkansas State Library shall publish and, upon request, distribute a list of state publications to all state agencies and contracting depository libraries.~~

SECTION 10. Arkansas Code §§ 13-2-213 and 13-2-214 are repealed.

~~13-2-213. Number of copies provided clearinghouse.~~

~~(a) If sufficient funds are available, each state and local agency printing or duplicating publications of the type which are to be made available to the State and Local Government Publications Clearinghouse shall print or duplicate fifty (50) additional copies or a lesser number as may be requested by the Arkansas State Library, for deposit with the clearinghouse for distribution to established depository libraries or interstate library exchange.~~

~~(b) However, if a state agency or a local governmental agency does not have sufficient funds or resources available to furnish the fifty (50) copies to the clearinghouse, it shall notify the Arkansas State Library and deliver to the clearinghouse three (3) copies of each publication to be maintained in the Arkansas State Library, to be indexed and made available on loan to participating libraries through the interlibrary loan services of the Arkansas State Library.~~

~~13-2-214. Libraries of colleges and universities — Contracts — Status.~~

~~(a) The Arkansas State Library is authorized to enter into contracts or agreements with the Mullins Library of the University of Arkansas at Fayetteville and the library of each of the state-supported institutions of higher learning in this state to provide through the State and Local Government Publications Clearinghouse any of the clearinghouse, exchange, depository, or selective or partial depository duties or functions of any of the libraries, or to provide depository library services in behalf of any of the libraries that may be mutually agreed to by the Arkansas State Library and the Mullins Library of the University of Arkansas at Fayetteville or one (1) of the several institutions of higher learning of this state.~~

~~(b)(1) Nothing in this subchapter shall be construed to repeal, amend, modify, or affect the status of the Mullins Library of the University of Arkansas at Fayetteville as a depository of state, city, and county documents~~

~~under the provisions of §§ 25-18-301 — 25-18-304.~~

~~(2) This subchapter shall not repeal, amend, modify, or affect the powers of the Mullins Library of the University of Arkansas at Fayetteville or the library of each of the state supported institutions of higher learning to be a selective or partial depository of state, city, and county documents under the provisions of §§ 25-18-306 — 25-18-308.~~

SECTION 11. Arkansas Code § 13-2-509, concerning the Arkansas State Archives, is amended as follows:

(c) A copy of this report shall be filed with the ~~State Library Board~~ Arkansas State Archives.

SECTION 12. Arkansas Code § 13-2-601 is amended to read as follows:
13-2-601. Definition.

As used in this compact, “state library agency”, with reference to this state, means ~~the State Library Board~~ a library in the state designated by the Secretary of the Department of Education.

SECTION 13. Arkansas Code § 13-2-605 is amended to read as follows:

13-2-605. Prerequisites for construction or maintenance of libraries.

No county, city, town, or combination thereof acting as a regional library district of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c)7 of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except:

~~(1) After~~ after compliance with the Arkansas Constitution and any laws applicable to the county, city, town, or combination thereof relating to or governing capital outlays and the pledging of credit; ~~and~~

~~(2) After submitting the plan to the State Library Board for approval.~~

SECTION 14. Arkansas Code § 13-2-903(d) and (e), concerning the creation of a regional library system, are amended as follows:

(d)(1) The ordinance shall be signed by the mayor of each municipality and the county judge of each county, attested by the respective clerks, and sent to the Secretary of State ~~and to the Arkansas State Library~~. The

~~Secretary of State shall receive and file it and shall record it in an appropriate book of record in his or her office.~~

(2) When the ordinance has been made, filed, and recorded as provided in this subchapter, the system shall constitute a public body and a body corporate and politic under the name proposed in the ordinance.

(e)(1) Any ordinance filed with the Secretary of State pursuant to the provisions of this section may be amended from time to time, and any other municipality or county may become a new member in the system with the consent of the members of the system evidenced by ordinances of their governing bodies.

(2) The amendment shall be signed and filed with the Secretary of State and Arkansas State ~~Library~~ Archives in the manner provided in this section.

SECTION 15. Arkansas Code § 13-2-1002(a), concerning the creation of the Arkansas Digital Library, is amended as follows:

(a)(1) The Division of Higher Education and the Arkansas State ~~Library~~ Archives shall ~~develop a digitized~~ maintain a digital collection of information that includes information that is in the public domain, cleared for public distribution over the internet, and to which students of public postsecondary schools in Arkansas have access.

(2) The ~~digitized information~~ digital collection under this subchapter shall be available for public access in at least one (1) location in each Arkansas county.

SECTION 16. The introductory language of Arkansas Code § 13-2-1002(b)(1), concerning the creation of the Arkansas Digital Library, is amended as follows:

(b)(1) The division and the ~~library~~ Arkansas State Archives shall develop criteria regarding the:

SECTION 17. Arkansas Code Title 13, Chapter 2, is amended to add an additional subchapter to read as follows:

SUBCHAPTER 11 – Department of Education Duties

13-2-1101. Definitions.As used in this subchapter:

(1)(A) “Age-inappropriate material” means books, media, or any other material accessible at a public library containing images or explicit and detailed descriptions of:

(i) Sexual acts as defined in 18 U.S.C. § 2246, as it existed on January 1, 2025;

(ii) Sexual contact as defined in 18 U.S.C. § 2246, as it existed on January 1, 2025; or

(iii) Human genitalia.

(B) “Age-inappropriate material” does not include:

(i) Educational material with information concerning the biology or anatomy of the human body; or

(ii) Sex education material that is accessible to age-appropriate persons as provided in this subchapter;

(2) “Director of record” means a person who:

(i) Is a resident of the state;

(ii) Satisfies the requirements of § 13-2-1104(b)(3)(A)(i) or § 13-2-1104(b)(3)(A)(ii); and

(iii) Has a contract with a public library to perform certain duties for the public library, including without limitation the duty to:

(a) Attend all meetings of the governing board of the public library;

(b) Participate in the hiring of all professional and paraprofessional staff of the public library; and

(c) Hold weekly meetings with the director of the public library to ensure the the operations, practices, and policies of the public library meet professional standards;

(3) “Public library” means:

(A) A county library organized under § 13-2-401 et seq.;

(B) A municipal library organized under § 13-2-501 et seq.;

(C) A regional library organized under § 13-2-501 et seq.;

(D) A library system composed of county and municipal libraries operating under an interlocal agreement under § 14-14-910 and § 25-

20-101 et seq.; and

(E) A library system organized and operated as a public body corporate and politic under § 25-20-201 et seq;

(4) “Sex education material” means age-appropriate information designed to prepare minors for the sociology of puberty;

(5) “State aid” means a funding program administered by the Department of Education that is designed to provide supplemental financial assistance to a public library, subject to the requirements of this subchapter;

(6) “State library administrative agency” means the official agency of the state charged by the law of the state with the extension and development of public library services throughout the state;

(7) “State Plan” means the document that includes without limitation:

(A) An assurance that the state library administrative agency has the fiscal and legal authority to administer all aspects of this subchapter;

(B) An assurance of the establishment of the state’s policies, priorities, criteria, and procedures necessary for the implementation of all programs under this subchapter;

(C) Confirmation that copies shall be submitted for approval as required by rules promulgated by the director;

(D) Identification of the library needs of the state; and

(E) The activities to be taken to meet the identified needs of the state under subdivision (7)(D) of this section that are supported by the federal aid made available under this subchapter.

13-2-1102. Department of Education – Powers and duties.

(a) The Department of Education may:

(1) Administer state aid to a public library as provided under this subchapter;

(2) Administer federal aid to a public library;

(3) Provide specialized services to the individuals who are blind and individuals with physical disabilities under a cooperative plan with the National Library Service for the Blind and Physically Handicapped of the Library of Congress;

- (4) Assist in the establishment and development of county library systems and programs and regional library systems and programs;
- (5) Devise and implement a certification plan for public library librarians;
- (6) Assist in the design and building of public library facilities;
- (7) Conduct educational programs to develop or improve the services of a public library, including without limitation:
- (A) Courses on library instruction; and
- (B) Regional library leadership institutes providing professional development for employees of public libraries;
- (8) Prepare and submit a written state plan to the Director of the Institute of Museum and Library Services required under 20 U.S.C. § 9134, as it existed on January 1, 2025;
- (9) Take steps to fulfill the actions under 20 U.S.C. § 9141, as it existed on January 1, 2025, to utilize federal grant funds to improve library services for state residents; and
- (10) Cooperate with the Division of Elementary and Secondary Education and the Division of Higher Education to:
- (A) Devise a plan for the development of a public library; and
- (B) Aid public library librarians in their administration of a public library, the creation of certification policies, and the creation of rules for the use of a public library.
- (b) The Department of Education may perform other functions and services to fulfill the purposes and objectives of this subchapter.

13-2-1103. Department of Education – Rules.

- (a) The Department of Education may promulgate any necessary rules for the department to fulfill its obligations under this subchapter consistent with the requirements of the Arkansas Administrative Procedures Act, § 25-15-201 et seq.
- (b) Except as provided under § 13-2-212, rules promulgated by the State Library Board that are in effect at the time this subchapter is enacted shall be the rules of the department.

13-2-1104. State aid – Criteria.

(a) The Department of Education shall administer a program to distribute funds appropriated by the General Assembly as state aid to a public library that meets the criteria under subsection (b) of this section.

(b) State aid shall be made available to a public library that satisfies all of the following requirements:

(1) The governing body of the public library shall:

(A) Hold six (6) or more regularly scheduled meetings each calendar year;

(B) Conduct business in accordance with established bylaws filed with the Office of Library and Information Services of the Department of Education;

(C) Adopt and enforce policies that:

(i) Govern the development of the collection of materials and resources of the public library;

(ii) Prohibit access to age-inappropriate materials to a person who is sixteen (16) years old or younger;

(iii)(a) Except as provided under subdivision (b)(1)(C)(iii)(b) of this section, grants access to sex education materials.

(b) Sex education materials shall not be accessed by a minor person who is eleven (11) years old or younger and whose parent or guardian has informed the public library in writing that the minor person is not authorized to access sex-education materials;

(iv)(a) Provide a process for a member of the public to request the inclusion, removal, or a policy regarding access to age-inappropriate or sex education materials and resources.

(b) A policy requested under subdivision (b)(1)(C)(iv)(a) of this section shall:

(1) Comply with all other requirements of state law; and

(2) Include an appeal of any initial staff determination to the governing body;

(v) Govern unattended children in a public library;
and

(vi) Govern library computer use under § 13-2-103;
and

(D) Attend a board orientation program provided by the Department of Education within six (6) months of the beginning of his or her term of office;

(2)(A) Demonstrate the availability of funds for the public library equal to:

(i) The current operations budget of the public library for one year; or

(ii) An amount equal to the revenue that one (1) mill of the tax levied for the benefit of the public library would have generated in the prior tax year.

(B) The availability of funds under subdivision (b)(2)(A) of this section shall be prepared and submitted to the department in writing;

(3)(A) The director of the public library shall have at least one (1) of the following qualifications:

(i) A master's degree in Library Science from an institution accredited by an agency recognized by the United States Department of Education or Council for Higher Education Accreditation;

(ii)(a) A bachelor's degree or a graduate degree in a related field to library science from an institution accredited by an agency recognized by the United States Department of Education or Council for Higher Education Accreditation.

(b) A director of a public library who satisfies the requirement under subdivision (b)(3)(A)(ii)(a) of this section shall also possess the following:

(1) Three (3) years or more of experience in public library administration;

(2) Twelve (12) hours or more of postsecondary courses in the following subject matters:

(A) Collection Development;

(B) Personnel Management;

(C) Library Technology; and

(D) Financial Management; or

(3) Completion of a training program approved or conducted by the Department of Education that includes professional training related to the successful operation of public libraries in Arkansas; or

(iii) The public library contracts with a resident who is a director of record for three (3) years or less to supervise the operations of the library while either:

(a) The director of record is actively pursuing the minimum qualifications to be a qualified library director under subdivision (b)(3)(A)(i) or subdivision (b)(3)(A)(ii) of this section; or

(b) The governing board of the public library is engaged in an active and sustained search for a qualified full-time library director.

(B) A public library under subdivision (b)(3)(A)(iii) that contracts with a resident who is a director of record for more than three (3) consecutive years shall not receive state aid until the public library employs a director satisfying the requirements under subdivision (b)(3)(A)(i) or subdivision (b)(3)(A)(ii) of this section;

(4)(A) The public library shall provide suitable facilities that are open to the public during services hours.

(B) The service hours shall be posted, advertised, and satisfy the following minimum hour requirements:

(i) For a service population of less than ten thousand (10,000) people, the minimum service hours per year is one thousand four hundred and eighty (1,480) hours;

(ii) For a service population of ten thousand (10,000) people or more and nineteen thousand (19,000) people or less, the minimum service hours per year is one thousand seven hundred and thirty (1,730) hours;

(iii) For a service population of nineteen thousand and one (19,001) people or more and forty-nine thousand (49,000) people or less, the minimum service hours per year is one thousand nine hundred and eighty (1,980) hours; or

(iv) For a service population of more than forty-nine thousand (49,000) people, the minimum service hours per year is two thousand four hundred and seventy (2,470) hours.

(C) A public library operating in multiple counties shall satisfy the minimum service hour requirements separately in each county where the public library operates;

(5)(A) The public library shall maintain a current collection of

materials that:

(i) Provides quality resources for residents of the state based on the needs of the community; and

(ii) Complies with the requirements of Arkansas law.

(B) The collection under subdivision (b)(5)(A) of this section shall not include any materials described under § 5-68-501(2);

(6) The public library shall agree to provide an interlibrary loan service to other public libraries in the state; and

(7) The public library shall coordinate services for individuals who are blind or individuals who are physically handicapped with the entities that administer these services.

13-2-1105. Public library – Reporting requirements.

(a) To be considered for state aid under this subchapter, a public library shall prepare and submit a written report annually to the Department of Education including without limitation:

(1) Documentation that the public library qualifies as a public library under § 13-2-1101;

(2) All current bylaws and policies approved by the governing board of the public library;

(3) The Annual Public Library Survey;

(4) A current long-range plan developed for the purpose of guiding the public library administration in the attainment of goals and future planning and approved by the governing board of the public library;

(5) Information and documentation necessary to determine the qualifications of the library director of the public library;

(6) The name and contact information of the library director;

(7) The name and contact information of the members of the governing board of the public library;

(8)(A) An assurance of compliance with the applicable laws of the state, rules promulgated by the department, and the policies of the public library.

(B) An assurance under subdivision (a)(8)(A) of this section shall be signed by the library director and the library board chair; and

(9) Any other report or information requested in writing by the

Department of Education.

(b) A public library receiving state aid under this subchapter shall notify the department no less than thirty (30) days following a change of the following positions:

- (1) The director of the public library; or
- (2) The board chair of the public library.

13-2-1106. Determination of eligibility – Appeals.

(a) The Department of Education shall determine whether a public library qualifies for state aid under the provisions of this subchapter.

(b)(1) The department shall provide written notice of a determination under subsection (a) of this section to the director of each public library on or before March 30 preceding the fiscal year the determination concerns.

(2) If the department determines that a public library does not qualify for state aid, the notice shall document the basis for the determination.

(c) A determination under subsection (a) of this section shall include the qualification of a public library for funding under any incentive program established by the department.

(d)(1) A public library may submit a written appeal of a determination under subsection (a) of this section to the Secretary of the Department of Education on or before April 31 preceding the fiscal year the determination concerns.

(2) An appeal under subdivision (d)(1) of this section shall provide information demonstrating:

- (A) The determination was made in error; or
- (B) The determination was correct but remedial actions have been taken by the public library to bring the public library into compliance with the requirements of this subchapter.

(3) The secretary shall consider all available information to make a final determination prior to the first day of the fiscal year when state aid will be distributed to all qualifying public libraries.

(e)(1) Except as provided under subdivision (e)(2)(A) of this section, a determination under subsection (a) of this section shall remain in effect for one fiscal year.

(2)(A) A determination under subsection (a) of this section may

be reevaluated by the department if the department receives credible information indicating that a public library is no longer in compliance with the requirements under § 13-2-1104(b).

(B) The department may request information necessary to complete a reevaluation of a public library under subdivision (e)(2)(A) of this section.

(C)(i) If the department determines that the public library is no longer eligible to receive state aid under subdivision (e)(2)(A) of this section, the director shall prepare and submit a written notice to the public library that including the basis for the reevaluation determination.

(ii) A public library may submit a written appeal of a determination under subdivision (e)(2)(C)(i) to the secretary within thirty (30) days of the transmission date of the determination to the director of the public library.

(iii) The secretary shall consider all available information and make a final determination of the eligibility of the public library to receive state aid.

(iv) The public library shall continue to receive state aid until the latter date of:

(a) Thirty (30) days following the determination of the secretary under subdivision (e)(2)(C)(i) of this section; or

(b) The secretary transmits a final determination to the public library.

13-2-1107. Establishment of funding formula for state aid.

(a) State aid shall be distributed under this subchapter according to a formula created by rule as promulgated by the Department of Education.

(b) A rule promulgated under subsection (a) of this section shall ensure that:

(1) Each qualifying public library receives the same base allocation of state aid;

(2)(A) Except as provided under subdivision (b)(2)(B) of this section, the department may establish an incentive program to improve a public library that is:

(i) Based on the policy goals of the department; and
(ii) Is consistent with the public policy of the
state.

(B) An incentive program under subdivision (b)(2)(A) of
this section shall:

(i) Not exceed ten (10%) percent of the total
appropriation for state aid in the fiscal year in which the aid is
distributed; and

(ii) Includes objective criteria for the
qualification of a public library to receive the aid of the incentive
program;

(3)(A) All other funds appropriated for state aid are
distributed based on the population of the political boundary that the public
library serves.

(B) The population under subdivision (b)(3)(A) of this
section shall be determined by the most recent federal decennial census;

(4) When two (2) qualifying public libraries serve the same
population, that population is allocated state aid as follows:

(A) The population served by two (2) public libraries is
allocated state aid only for the public library with a political boundary
that is located within the political boundary of another qualifying public
library; or

(B) The population served by two (2) public libraries is
allocated state aid only for the smaller public library of the population in
which the other public library has a political boundary that extends beyond
the political boundary of the smaller public library; and

(5) Any other provision is included to ensure the state aid
formula is fair and includes clearly established and objective parameters for
the distribution of funds to a public library by the department.

(c) From July 1, 2025 until June 30, 2026, the department may
distribute available state aid funds in a manner consistent with the
practices of the former Arkansas State Library until the rules required under
subsection (a) of this section are promulgated by the department.

13-2-1108. Department of Education – Designation as state
administrative agency.

The Department of Education shall be designated as the state library administrative agency for the purpose of 20 U.S.C. § 1921 et seq., as it existed on January 1, 2025.

SECTION 18. Arkansas Code § 13-3-104(a), concerning the powers and duties of the Arkansas State Archives, is amended to add an additional subdivision to read as follows:

(9) Maintain the State and Local Government Publications Clearinghouse Program.

SECTION 19. Arkansas Code Title 13, Chapter 3, Subchapter 1, is amended to add an additional section to read as follows:

13-3-110. State and Local Government Publications Clearinghouse.

(a)(1) The State and Local Government Publications Clearinghouse program is transferred from the Arkansas State Library to the Arkansas State Archives.

(2) All publications, records, software, contracts, or other property associated with the program shall be held by the Arkansas State Archives.

(b) The Arkansas State Archives may promulgate rules to carry out the purposes of the clearinghouse.

(c) Any state agency, constitutional officer, department, division, bureau, board, commission, or agency of the state, any local government, including cities of the first class and cities of the second class and incorporated towns, counties, and all boards, commissions, or agencies, and the General Assembly, including without limitation a committee of the General Assembly, shall furnish to the Arkansas State Archives:

(1) A number of copies specified by the Arkansas State Archives of each of its state or local publications; and

(2) A digital copy of the state or local publication.

(d) Once per quarter or more, the clearinghouse of the Arkansas State Archives shall publish a list of state publications available to all state agencies.

(e)(1) The Arkansas State Archives shall maintain an online database of all digitally formatted state or local publications it receives under subdivision (c) of this section.

(2) The Arkansas State Archives may include in its online database under subdivision (e)(1) of this section any state or local publication that the Arkansas State Archives has converted to a digital format.

SECTION 20. Arkansas Code § 13-13-102(c)(4)(E), concerning the members of the Arkansas Civil War Sesquicentennial Commission, is amended to read as follows:

(E) ~~Director of the Arkansas State Library~~ Secretary of the Department of Education;

SECTION 21. Arkansas Code § 19-4-906(054), concerning motor vehicle authorizations, is repealed.

~~(054) Arkansas State Library~~ ~~29~~

SECTION 22. Arkansas Code § 19-4-906(075), concerning motor vehicle authorizations, is amended to read as follows:

(075) Department of Education ~~10~~

20

SECTION 23. Arkansas Code § 19-5-305(a), concerning the Public School Fund, is amended to read as follows:

(a) The Public School Fund shall consist of the following fund accounts and funds made available for the support of the Division of Elementary and Secondary Education, the ~~Arkansas State Library~~ Department of Education, and the Division of Career and Technical Education and shall be used for the same purposes as set out for the following fund accounts:

(1) Division of Elementary and Secondary Education Public School Fund Account. The Division of Elementary and Secondary Education Public School Fund Account shall be used for grants and aids for the programs administered by the Division of Elementary and Secondary Education as authorized by law;

(2) Division of Career and Technical Education Public School Fund Account. The Division of Career and Technical Education Public School Fund Account shall be used for grants and aids for the programs administered by the Division of Career and Technical Education, the Adult Education Section,

and the Office of Skills Development, consisting of, but not limited to:

- (A) General adult education grants;
- (B) Adult basic education grants;
- (C) Manpower development and training grants;
- (D) Vocational-technical and adult education; and
- (E) Such other grants and aids as may be authorized by law

for disbursement by the Division of Career and Technical Education, the Adult Education Section, and the Office of Skills Development; and

(3) ~~State~~ Library Public School Fund Account. The ~~State~~ Library Public School Fund Account shall be used for State Aid to Public Libraries as administered by the ~~Arkansas State Library~~ department.

SECTION 24. Arkansas Code § 21-7-402(b) and (c), concerning the publication of annual and biennial reports, are amended to read as follows:

(b) Fifty (50) copies shall be filed with the ~~Arkansas State Library,~~ Arkansas State Archives pursuant to § 13-3-110 and twenty (20) copies shall be filed with the ~~Mullins Library~~ David W. Mullins Library of the University of Arkansas at Fayetteville, as required by law, for distribution purposes.

(c) The publication and filing of such reports in the manner provided in this section shall constitute sufficient distribution, in lieu of other distribution requirements which may be prescribed by law, provided:

(1) A record or list of reports available at the Arkansas State ~~Library~~ Archives shall be distributed every three (3) months to the appropriate parties, including members of the General Assembly or other public officials who may be designated by law to receive copies thereof. The furnishing of the lists or record shall meet the formalities of any statutory requirements specifying which officials shall receive copies of the reports; and

(2) Copies of the reports shall be made available to the maximum extent practicable, upon request therefor, but the Arkansas State ~~Library~~ Archives may provide, by rules, for recovery of the costs of reproduction.

SECTION 25. Arkansas Code § 25-11-203 is amended to read as follows:
25-11-203. Exemption.

No provision of this subchapter shall apply to any program or service currently operated or administered by the Arkansas School for the Blind or

the ~~State Library Board~~ Department of Education, and this subchapter shall not amend or repeal any statutory provision governing the operation of the Arkansas School for the Blind or the ~~Arkansas State Library~~ Department of Education.

SECTION 26. Arkansas Code § 25-15-204(e)(1), concerning the procedure for the adoption of rules under the Administrative Procedure Act, is amended to read as follows:

(e)(1)(A) An agency shall file with the Secretary of State and the Legislative Council a:

- (i) Copy of each rule, including without limitation an emergency rule, proposed by the agency;
- (ii) Financial impact statement for the proposed rule;
- (iii) Notice for the adoption, amendment, or repeal of any rule required to be published on the internet under this section;
- (iv) Statement setting forth the reason for the proposed rule; and
- (v) Summary of the proposed rule.

~~(B) An agency shall file with the Arkansas State Library a copy of each rule, including without limitation an emergency rule, finalized by the agency and a financial impact statement for the rule.~~

~~(C)~~(B) A rule shall be filed in compliance with this section and with §§ 10-3-309 and 25-15-218.

SECTION 27. Arkansas Code § 25-16-903(21), concerning stipend authorizations for certain boards and commissions, is repealed.

~~(21) State Library Board;~~

SECTION 28. Arkansas Code § 25-18-306(b) and (c), concerning selective and partial depositories of public records, are amended to read as follows:

(b) Each department or division of the state, city, and county which is directed to furnish copies of publications to the David W. Mullins Library of the University of Arkansas at Fayetteville is authorized and directed to send to the Arkansas State ~~Library~~ Archives a list of all publications published by the department or division during the preceding quarter.

(c) The Arkansas State ~~Library~~ Archives shall prepare a checklist of

all publications published by all counties, cities, departments, and agencies of this state and shall furnish quarterly a copy of the checklist to each of the institutions of higher learning in this state.

SECTION 29. Arkansas Code § 25-18-307 is amended to read as follows:
25-18-307. Procedure to obtain state and local publications.

(a) Any institution of higher learning desiring to obtain copies of any publication contained in the checklist shall order the number of copies, not to exceed three (3) copies of any one (1) report or publication, desired from the Arkansas State ~~Library~~ Archives.

(b) The Arkansas State ~~Library~~ Archives shall collect the orders and shall periodically obtain from state agencies and departments, and from the various cities and counties, a sufficient number of copies and documents and publications to fill the orders.

(c) The Arkansas State ~~Library~~ Archives shall furnish all institutions of higher learning copies of any documents and publications so ordered without charge or cost.

SECTION 30. Arkansas Code § 25-18-308 is amended to read as follows:
25-18-308. State and local publications furnished to Arkansas State ~~Library~~ Archives.

Each department or division of the state, a city, or a county under whose jurisdiction any printed or processed book, pamphlet, report, or other publication is issued at the expense of a municipal corporation or of a county, or of a county and a city, or of the state is directed to furnish without charge to the Arkansas State ~~Library~~ Archives the number of copies of such publications as the ~~library~~ Arkansas State Archives may order.

SECTION 31. Arkansas Code § 25-43-502(a)(5), concerning state entities transferred to the Department of Education, is repealed.

~~(5) The Arkansas State Library, created under § 13-2-203;~~

SECTION 32. Arkansas Code § 27-101-108 is amended to read as follows:
27-101-108. Filing and publication of rules.

(a) A copy of the rules adopted pursuant to this subchapter, § 27-101-201 et seq., § 27-101-301 et seq., § 27-101-501 et seq., § 27-101-601 et

seq., and the Arkansas Motorboat Registration and Titling Act, § 27-101-1001 et seq., and of any amendments of those rules shall be filed in the offices of the Arkansas State Game and Fish Commission, the Secretary of State, the Arkansas State ~~Library~~ Archives, and the Bureau of Legislative Research where each copy shall be preserved as a public record.

(b) A copy of the rules adopted under § 27-101-401 et seq. and of any amendments of those rules shall be filed in the offices of the Department of Health, the Secretary of State, the Arkansas State ~~Library~~ Archives, and the Bureau of Legislative Research where each copy shall be preserved as a public record.

(c) Rules under this section shall be published by the responsible state agency in a convenient form for public use.

SECTION 33. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas State Library preserves the public peace, health, and safety by providing needed funds and services for Arkansas; that this act provides for the transfer of the Arkansas State Library to the Department of Education; and that this act should become effective on July 1, 2025, to coincide with the appropriation bills of the Department of Education and ensure that the Arkansas State Library continues to provide its vital services as the transfer is implemented and does not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2025.