

Dear Senators GOEDDE, Fulcher & Burkett, and
Representatives NONINI, Shirley & Boe:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho Commission for Libraries: IDAPA 30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services (Docket #30-0101-0801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 8-7-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 9-4-08.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Senate Education Subcommittee on Administrative Rules and
House Education Subcommittee on Administrative Rules

FROM: Research & Legislation Staff, Maureen L. Ingram

DATE: July 16, 2008

SUBJECT: Rules of the Idaho Commission for Libraries

IDAPA 30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services

Under Docket Number 30-0101-0801, this action has been submitted as a temporary rule effective July 1, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(b), *Idaho Code*, in “compliance with deadlines in amendments to governing law or federal programs.” Authority for promulgation of the rule is derived from Sections 33-2503, 33-2505B and 33-2505C, *Idaho Code*.

The provisions of Senate Bill No. 1321aa, Chapter 81, Laws of 2008, amended library commission law to establish a digital repository for state publications and added new law to provide: definitions of “digital repository”, “format”, “state agency” and “state publication”; the process by which state agencies submit copies of the agency’s publications that qualify as state publications; and exemptions.

The purpose of this promulgation is to implement the provisions of the bill, which became effective July 1, 2008. The proposed changes to this rule are consistent with current law.

cc: State Board of Education

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - RULES OF THE IDAHO COMMISSION FOR LIBRARIES GOVERNING THE USE OF COMMISSION SERVICES

DOCKET NO. 30-0101-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-2503 and 33-2505C, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These proposed rules are necessary to carry out the provisions of Senate Bill No. 1321, passed by the 2008 Idaho Legislature, concerning a digital repository of state publications. The proposed rules provide a mechanism for operating a digital repository of state publications including authority and exemptions.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These proposed rules are necessary in order to be in compliance with amendments made by the 2008 Idaho Legislature to Title 33, Chapter 25, Idaho Code, concerning a digital repository of state publications.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

State agencies complying with the current depository requirements will undoubtedly experience a decrease in expenditures as a result of the digital repository requirements as well as an increase in the reach of their state publications. Estimated costs for the Commission for Libraries to implement the digital repository are \$202,000 for the first year, and \$132,000 ongoing funds to maintain:

1. Capital - \$30,000 (OT) for server, storage, UPS, etc.;
2. Operating - \$50,000 (\$40,000 OT) for content management license; and
3. Personnel - \$122,000 ongoing for 1 FTE Librarian and 2 FTE OS2.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to bring the rules of the Idaho Commission for Libraries in compliance with amendments made by the 2008 Idaho Legislature to Title 33, Chapter 25, Idaho Code, concerning a digital repository of state publications.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ann Joslin, State Librarian, (208) 334-2150.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 6th day of June 2008.

Ann Joslin
State Librarian
Idaho Commission for Libraries
325 W. State St.
P. O. Box 83720
Boise, ID 83702
Phone: (208) 334-2150
Fax: (208) 334-4016

THE FOLLOWING IS THE TEXT OF DOCKET NO. 30-0101-0801

031. – ~~0039~~. (RESERVED).

040. DIGITAL REPOSITORY OF STATE PUBLICATIONS.

All state publications intended for distribution to the public must be deposited with the Commission according to Section 33-2505, Idaho Code. (7-1-08)T

01. Exemption Authority. The Board may grant exemptions from Section 33-2505, Idaho Code, in the interest of economy and efficiency. (7-1-08)T

02. Bases for Exemption. Exemptions include, but are not limited to: (7-1-08)T

a. Any publication specifically exempted by statute; or (7-1-08)T

b. Any publication or class of publications exempted by the Board. (7-1-08)T

03. Exemption Requests. State agencies may petition for the exemption of a specific publication or a class of publications using approved forms provided by the Commission. The request shall: (7-1-08)T

a. Name the requesting state agency and a designated contact; (7-1-08)T

b. Clearly identify the publication or class of publications; and (7-1-08)T

c. Explain the rationale for exemption. (7-1-08)T

04. Request for Exemption by State Librarian. The State Librarian may request the exemption of a specific publication or a class of publications based on the ability of the Commission to capture or process said materials. The request shall: (7-1-08)T

a. Name the publishing state agency; (7-1-08)T

b. Clearly identify the publication or class of publications; and (7-1-08)T

c. Explain the rationale for exemption. (7-1-08)T

05. Filing Exemption Requests. Exemption requests shall be filed with the Commission not less than sixty (60) days prior to a regularly scheduled Board meeting. (7-1-08)T

06. Board Action on Exemption Requests. The Board shall grant or deny exemption requests, determine an expiration date, and provide written notification of its decision to the publishing state agency within thirty (30) days of its decision. (7-1-08)T

07. Annual Report. The State Librarian shall submit an annual report of all exemptions to the Board. (7-1-08)T

08. Review of Exemptions. Exemptions shall be reviewed by the Board at least sixty (60) days prior to the expiration date. State agencies shall be notified by the Commission of any change in exemption status within thirty (30) days of Board action. (7-1-08)T

041. -- 999. (RESERVED).