

Dear Senators GOEDDE, Mortimer & Malepeai, 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 No. 30-0101-0901);

IDAPA 30.01.01 – Rules of the Idaho Commission for Libraries Governing the Use of  
Commission Services (Docket No. 30-0101-0902).

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  
7-6-09. 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 8-3-09.

\_\_\_\_\_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: Rules Review Subcommittees of the Senate Education Committee and the House Education Committee

FROM: Research & Legislation Staff - Eric Milstead

DATE: June 16, 2009

SUBJECT: Rules of the Idaho Commission for Libraries

### I. IDAPA 30.01.01 – Rules of the Idaho Commission for Libraries Governing the Use of Commission Services (Docket No. 30-0101-0901)

The Idaho Commission for Libraries submits notice of proposed rulemaking at IDAPA 30.01.01 - Rules Governing the Use of Commission Services. This is a straightforward proposed rule that simply clarifies grant application procedures, provides an Internet address and directs that applicants must apply on forms provided by the Commission.

The proposed rule appears to be authorized pursuant to Sections 33-2503, Idaho Code.

### II. IDAPA 30.01.01 – Rules of the Idaho Commission for Libraries Governing the Use of Commission Services (Docket No. 30-0101-0902)

The Idaho Commission for Libraries submits notice of proposed rulemaking at IDAPA 30.01.01 - Rules Governing the Use of Commission Services. The proposed rules establishes regarding Talking Book Services and the circulation of materials and equipment to certain eligible library patrons. The proposed rule governs patron status, materials loaned, circulation (i.e., the number of titles that may be loaned to a patron), and the suspension of service when warranted.

The proposed rule appears to be authorized pursuant to Sections 33-2503, Idaho Code.

cc: Idaho Commission for Libraries, Ann Joslin

## IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

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

DOCKET NO. 30-0101-0901

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, 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 July 15, 2009.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These proposed rule changes clarify grant application procedures and aid applicants in applying for available funding by eliminating unnecessary references to state documents and by providing a website address. The proposed rule changes clarify the Commission's grant application process procedure, and provide a website address to the Library Services and Technology Act legislation.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: None.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking, which published in the January 7, 2009 Administrative Bulletin, Vol. 09-1, pages 425 through 426, and because the rulemaking is not controversial and confers a benefit upon LSTA grant applicants.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 19th day of May, 2009.

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 PROPOSED TEXT OF DOCKET NO. 30-0101-0901

004. INCORPORATION BY REFERENCE.

~~01. **Federal Law.** The Library Services and Technology Act, 20 U.S.C.A. Section 9121, et. seq., as set forth in Title II of the Museum and Library Services Act, Public Law 108-81, effective September 25, 2003. Copies of the Library Services and Technology Act are available at the offices of the Commission and at <http://imls.gov/about/services2003.shtm>. (4-2-08)( )~~

~~02. **Application Process Guides.** Grants may be made with monies pursuant to procedures set forth in the respective LSTA Guide. Copies of the Guides are available on the Commission's website or at the offices of the Commission. (4-2-08)~~

~~a. The FY2006 LSTA Guide, effective May 2005. (4-2-08)~~

~~b. The FY2007 LSTA Guide, effective September 2006. (4-2-08)~~

~~c. The FY2008 LSTA Guide, effective August 2007. (4-2-08)~~

(BREAK IN CONTINUITY OF SECTIONS)

023. ~~PROCESS FOR GAINING ACCESS TO THE SERVICE~~ LSTA GRANT PROGRAM.

~~01. **Application Process.** The application process for funds (under the LSTA grant programs described in Sections 020, 021, and 022 of these rules) from each annual allotment is described in the Commission's LSTA Guide, available in print at the Commission offices and on the Commission's website. (4-2-08)~~

~~02. **Application Forms.** All applicants seeking to participate in any LSTA grant program must apply on forms provided by the Commission. (4-2-08)( )~~

**IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES**  
**30.01.01 RULES OF THE IDAHO COMMISSION FOR LIBRARIES**  
**GOVERNING THE USE OF COMMISSION SERVICES**

**DOCKET NO. 30-0101-0902**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, 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 July 15, 2009.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule is necessary to establish rules regarding the circulation of materials and equipment to eligible blind and physically handicapped persons who are registered with the Idaho Talking Book Service, and to provide for the suspension of services resulting from violations of the rule requirements. The proposed rule provides for patron status, the types of materials and equipment to be loaned, the quantity of materials and the period of time to be loaned, and the procedures for suspending service for repeated violations of the rules.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: None.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), negotiated rulemaking was not conducted prior to the publication of the proposed rule because the proposed rule confers benefits to the identifiable interested parties (i.e., persons with disabilities), and because of the simple nature of the proposed rule change.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 19th day of May, 2009.

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 PROPOSED TEXT OF DOCKET NO. 30-0101-0902**

**041. -- ~~9949.~~ (RESERVED).**

**050. TALKING BOOK SERVICE (TBS).**

**01. Patron Status. ( )**

**a. Active status. To remain active, users must borrow at least one (1) book per year or subscribe to at least one (1) magazine provided through the service. ( )**

**b. Changes of status. The user must notify the Talking Book Service of address changes, a desire to cancel the service, and temporary or permanent service transfer to another state. ( )**

**c. Good standing. To receive a digital player and books, user's account must reflect: ( )**

**i. The current permanent mailing address and contact information; ( )**

**ii. No history of lost machines as defined by library procedures or more than one (1) Recorded Cassette (RC) player currently checked out; and ( )**

**iii. No more than four (4) overdue cassette titles. ( )**

**02. Materials Loaned. ( )**

**a. Formats. Recorded books, magazines, and descriptive videos and discs are loaned free to eligible registered users. The Talking Book Service keeps records of all loans. ( )**

**b. Equipment. Equipment necessary to listen to recorded materials will be loaned for as long as the user meets National Library Service eligibility requirements and is using the equipment to listen to materials provided by the Talking Book Service. Materials received from sources other than the Talking Book Service do not qualify for continuance of service. Playback equipment needing repair must be returned to the Talking Book Service. A replacement will be provided upon request. The user should not attempt to repair the playback equipment or replace the battery. ( )**

**c. Sharing materials. Users may not lend Talking Book Service materials or equipment to other persons. ( )**

**03. Circulation. ( )**

**a. Number of titles loaned. Following is a list by format of the maximum number of titles each user may request. Once a user reaches the established maximum number of titles, no additional titles will be sent in that format until outstanding titles are returned. A user may request a change in the number of titles received at any time, up to the maximum. ( )**

**i. Cassette books: Unlimited. ( )**

**ii. Digital books: Two (2). ( )**

**iii. Descriptive videos and discs: Two (2). ( )**

**iv. Magazines: Unlimited. ( )**

**b. Loan periods: ( )**

- i. Cassette books: Six (6) weeks. ( )
- ii. Digital books: Two (2) weeks, with one (1) two-week renewal. ( )
- iii. Descriptive videos and discs: Two (2) weeks. ( )
- iv. Magazines in green mailing containers: Two (2) weeks. ( )
- v. Magazines in cardboard containers: Do not return. ( )
- c. Overdue materials. Users are urged to return materials promptly so they can be circulated to other patrons. Service for digital books will be suspended if a digital book is more than two (2) weeks overdue. ( )
- d. Fines. No fines are levied for materials returned later than the circulation due date. ( )
- e. Returning materials. Materials can be returned free via the United State Postal Service using Free Matter for the Blind mailing cards. Place materials in a mailbox or take them to the Post Office. ( )
- f. Lost or damaged materials. The user is charged a replacement fee for each lost or damaged descriptive video or disc as outlined in Section 33-2620, Idaho Code, "Failure to Return Borrowed Material." ( )
- 04. Service Suspension. If any of the rules of Section 050 of these rules are repeatedly violated, the user's service may be suspended pursuant to the following suspension procedure:** ( )
  - a. Service staff will discuss the violation with the user. ( )
  - b. A warning letter will be sent to the user that summarizes the discussion and the violation. The user will have an opportunity to reply within ten (10) business days. ( )
  - c. If rule violations continue, a second warning letter will be sent citing the earlier warning letter and listing examples of subsequent violations. The service can be suspended for up to six (6) months. A specific date to reinstate service will be included in this letter. The user will have an opportunity to reply within ten (10) business days. ( )
  - d. When service is reinstated, a letter will be sent notifying the user of reinstatement of service and reminding the user that further documented violations will result in another suspension of service. ( )
- 051. -- 999. (RESERVED).**