

Dear Senators GOEDDE, Mortimer & Malepeai, and
Representatives NONINI, Shirley & Pence:

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 #30-0101-1101)

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 07/20/2011. 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 08/17/2011.

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 334-4845, or send a written request to the address or FAX
number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee
FROM: Eric Milstead, Principal Legislative Research Analyst, LSO
DATE: June 30, 2011
SUBJECT: Idaho Commission for Libraries

IDAPA 30.01.01 - Rules Pertaining To The Rules of the Idaho Commission for Libraries Governing the Use of Commission Services (Docket No. 30-0101-1101)

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 revises the loan periods and provides that the Board shall establish the maximum number of titles a patron may request. Policies governing loan periods and maximum number of titles will be available at the Commission office. This proposed rule mirrors a temporary rule approved by the 2011 Legislature.

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

cc: Idaho Commission for Libraries
Ann Joslin, State Librarian

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

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

DOCKET NO. 30-0101-1101

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(2), 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 June 15, 2011.

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 current rule unnecessarily limits the loan period and number of talking book items which can be loaned. The temporary rule is necessary to allow for the increase in circulation of materials to eligible blind and physically handicapped persons who are registered with the Idaho Talking Book Service. The temporary rule changes clarify the Talking Book Service circulation and loan processes and procedures, and provide a method for changes and updates by the Idaho Board of Library Commissioners.

The temporary rulemaking was approved by the 2011 Legislature. The complete text of the temporary rule was published in the February 2, 2011 Idaho Administrative Bulletin, Vol. 11-2, pages 14 through 16.

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 there was a need to do temporary rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ann Joslin, State Librarian, at (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 June 22, 2011.

DATED this 19th day of April, 2011.

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is December 3, 2010.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 11-2, February 2, 2011, pages 14 through 16.

THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE
TEXT FOR DOCKET NO. 30-0101-1101

050. TALKING BOOK SERVICE (TBS).

01. Patron Status. (3-29-10)

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. (3-29-10)

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. (3-29-10)

c. Good standing. To receive a digital player and books, user's account must reflect: (3-29-10)

i. The current permanent mailing address and contact information; and ~~(3-29-10)~~(____)

ii. No history of lost machines as defined by library procedures or more than one (1) Recorded Cassette (RC) player currently checked out; and ~~(3-29-10)~~(____)

~~iii. No more than four (4) overdue cassette titles. (3-29-10)~~

02. Materials Loaned. (3-29-10)

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. (3-29-10)

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. (3-29-10)

c. Sharing materials. Users may not lend Talking Book Service materials or equipment to other persons. (3-29-10)

03. Circulation. (3-29-10)

a. Number of titles loaned. ~~Following is a list by format of~~ The Board shall establish the maximum number of titles each user may request and that information is available at the Commission office. 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.

- ~~(3-29-10)~~(____)
- ~~i. Cassette books: Unlimited. (3-29-10)~~
 - ~~ii. Digital books: Two (2). (3-29-10)~~
 - ~~iii. Descriptive videos and discs: Two (2). (3-29-10)~~
 - ~~iv. Magazines: Unlimited. (3-29-10)~~
 - b.** Loan periods. The Board shall establish loan periods for all titles and that information is available at the Commission office. ~~(3-29-10)~~(____)
 - ~~i. Cassette books: Six (6) weeks. (3-29-10)~~
 - ~~ii. Digital books: Two (2) weeks, with one (1) two-week renewal. (3-29-10)~~
 - ~~iii. Descriptive videos and discs: Two (2) weeks. (3-29-10)~~
 - ~~iv. Magazines in green mailing containers: Two (2) weeks. (3-29-10)~~
 - ~~v. Magazines in cardboard containers: Do not return. (3-29-10)~~
 - 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.~~ ~~(3-29-10)~~(____)
 - d.** Fines. No fines are levied for materials returned later than the circulation due date. (3-29-10)
 - 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. (3-29-10)
 - 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." (3-29-10)
- 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: (3-29-10)
- a.** Service staff will discuss the violation with the user. (3-29-10)
 - 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. (3-29-10)
 - 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. (3-29-10)
 - 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. (3-29-10)