

TITLE 33
EDUCATION

CHAPTER 25
COMMISSION FOR LIBRARIES

33-2501. COMMISSION FOR LIBRARIES ESTABLISHED. The state of Idaho recognizes that libraries are uniquely suited to making the benefits of information and information technologies available to the citizens of the state of Idaho. Therefore, the Idaho commission for libraries is hereby established for the purpose of assisting libraries to build the capacity to better serve their clientele.

[33-2501, added 1998, ch. 57, sec. 2, p. 211; am. 2006, ch. 235, sec. 2, p. 701.]

33-2502. BOARD OF LIBRARY COMMISSIONERS -- APPOINTMENT, REMOVAL AND TERMS -- OFFICERS -- MEETINGS -- COMPENSATION. The board of library commissioners shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be maintained within the department of self-governing agencies and shall consist of five (5) commissioners appointed by the governor. The board shall nominate to the governor qualified candidates to fill any board vacancy. The governor shall consider geographic representation when selecting board commissioners by appointing one (1) board commissioner from the northern part of the state, one (1) board commissioner from the eastern part of the state, one (1) board commissioner from the southwestern part of the state and one (1) board commissioner from each of the two (2) congressional districts. Appointments are for five (5) year terms and commissioners may serve more than one (1) term. At the end of a term, the commissioner shall continue to serve until a successor is appointed and qualifies. A vacancy on the board of library commissioners shall be filled in the same manner as regular appointments and shall be for the unexpired portion of the term. The governor may remove board commissioners for cause including, but not limited to, frequent absences from board meetings. The board of library commissioners shall annually elect a chairman, vice chairman and other officers as it deems reasonably necessary. The board of library commissioners shall meet at least twice each year. Commissioners shall be compensated as provided by section [59-509](#)(n), Idaho Code.

[33-2502, added 1998, ch. 57, sec. 2, p. 211; am. 2006, ch. 235, sec. 3, p. 702; am. 2009, ch. 178, sec. 2, p. 576.]

33-2503. BOARD OF LIBRARY COMMISSIONERS -- POWERS AND DUTIES. The board of library commissioners is designated as the policymaking body for the Idaho commission for libraries. The board of library commissioners shall have the following powers and duties:

- (1) To foster and promote library service in the state of Idaho.
- (2) To promulgate all rules and make policies as necessary for the proper conduct of its business.
- (3) To receive donations of money, materials and other real and personal property, for the benefit of the Idaho commission for libraries. Title to donations in any form shall vest in the state of Idaho. Donations shall be held and controlled by the board of library commissioners.

(4) To promote and facilitate the establishment, use, and cooperation of libraries throughout the state so all Idahoans have access to the resources of those libraries.

(5) To support or deliver statewide library programs and services.

(6) To accept, receive, administer and expend, in accordance with the terms thereof, any moneys, materials or other aid granted, appropriated, or made available to Idaho by the United States, or any of its agencies, or by any other public or private source, for library purposes. The board of library commissioners is authorized to file any accounts required with reference to receiving and administering all such moneys, materials and other aid.

(7) To assist in the establishment of financing of a statewide program of cooperative library services, which may be in cooperation with any taxing unit, or public or private agency.

(8) To contract with other libraries or agencies, within or without the state of Idaho, to render library services to people of the state of Idaho. The board of library commissioners shall have authority to reasonably compensate other library units or agencies for the cost of the services provided by the other library unit or agency under any such contract. Such contracts and compensation shall be exempt from the provisions of [chapter 92, title 67](#), Idaho Code.

[33-2503, added 1998, ch. 57, sec. 2, p. 212; am. 2006, ch. 235, sec. 4, p. 702; am. 2016, ch. 289, sec. 7, p. 808.]

33-2504. STATE LIBRARIAN APPOINTED BY BOARD OF LIBRARY COMMISSIONERS -- QUALIFICATIONS -- POWERS. The board of library commissioners shall employ a qualified state librarian to serve as its chief executive officer. The state librarian shall be a graduate of an accredited library school.

The state librarian shall, subject to the provisions of [chapter 53, title 67](#), Idaho Code, employ and fix the compensation of all other employees of the commission who shall be directly responsible to the state librarian.

[33-2504, added 2006, ch. 235, sec. 6, p. 703.]

33-2505. DIGITAL REPOSITORY FOR STATE PUBLICATIONS. Recognizing that an informed citizenry is a cornerstone for an effective democracy, and in order to provide free and continuous access to state publications, it shall be the duty of the state librarian to establish and maintain a publicly accessible digital repository of state publications prepared by state agencies. The digital repository is intended to collect state publications and make them readily available to all Idaho citizens.

[33-2505, added 1998, ch. 57, sec. 2, p. 213; am. 2006, ch. 235, sec. 7, p. 703; am. 2008, ch. 81, sec. 1, p. 209.]

33-2505A. DEFINITIONS. As used in this chapter:

(1) "Digital repository" means electronic publications stored and accessible to the public online in a secure digital environment with redundant backup.

(2) "Format" includes any media used for state publications including, but not limited to, electronic, print, audio, visual and microform.

(3) "State agency" includes every constitutional and statutory office, officer, department, division, bureau, board, commission and agency of the state and, where applicable, all subdivisions of each.

(4) "State publication" means any information, regardless of format, published by a state agency and intended for distribution to the public. State publication does not include correspondence, internal confidential publications, office memoranda, university press publications, items detailed by [chapter 1, title 74](#), Idaho Code, or other information excluded or exempted by rule promulgated by the board of library commissioners.

[33-2505A, added 2008, ch. 81, sec. 2, p. 210; am. 2015, ch. 141, sec. 66, p. 427.]

33-2505B. SUBMISSION BY STATE AGENCIES. (1) The head of every state agency or their designee shall promptly submit to the commission for libraries copies of published information that are state publications.

(a) For state publications available only in print format, each state agency shall submit two (2) copies of each printed publication to the commission for libraries.

(b) For state publications available only in electronic format, each state agency shall submit one (1) digital copy of each electronic publication to the commission for libraries.

(c) For state publications available in both print and electronic format, each state agency shall submit two (2) print copies and one (1) digital copy of the publication to the commission for libraries.

(d) Of the two (2) print copies of state publications, one (1) copy shall be sent to the Idaho state historical society and one (1) copy shall be sent to the university of Idaho library for archival purposes.

(2) The commission for libraries shall promulgate such rules as are necessary and appropriate to accomplish the purpose of a digital repository for state publications.

[33-2505B, added 2008, ch. 81, sec. 2, p. 210.]

33-2505C. EXEMPTIONS. In the interest of economy and efficiency, the board of library commissioners may exempt a given state publication or class of publications from the requirements of sections [33-2505](#), [33-2505A](#) and [33-2505B](#), Idaho Code, in full or in part, and shall promulgate rules in compliance with [chapter 52, title 67](#), Idaho Code, and make policies to implement this section.

[33-2505C, added 2008, ch. 81, sec. 2, p. 211.]

33-2506. LIBRARY SERVICES IMPROVEMENT FUND -- ESTABLISHED. (1) Policy. The state of Idaho recognizes its responsibility to provide library services to people in all areas of the state. The state acknowledges that the ability of each Idahoan to access information has a critical impact on the state's economic development, educational success, provision for an informed electorate, and overall quality of life. Realizing that libraries of all types and in all parts of the state must be able to interact and cooperate in order to respond to these informational needs, the state of Idaho hereby creates and establishes in the state treasury the library services improvement fund.

(2) Purpose. The purpose of the library services improvement fund is to further the development of library services for all the people of Idaho.

Moneys in the library services improvement fund are appropriated to and may be expended by the board of library commissioners at any time for the purposes provided in this section.

(3) Appropriations and revenues. The library services improvement fund shall have paid into it such appropriations as may be provided or other moneys and donations described in section [33-2503](#), Idaho Code.

(4) Payments.

(a) All payments from the library services improvement fund shall be paid out in warrants drawn by the state controller upon presentation of proper vouchers from the commission for libraries. Pending payments out of the library services improvement fund, the moneys in the fund shall be invested by the state treasurer in the same manner as provided under section [67-1210](#), Idaho Code, with respect to idle moneys in the state treasury. Interest earned on the investments shall be returned to the library services improvement fund.

(b) No library entity is automatically entitled to receive any payments from the library services improvement fund. The board of library commissioners shall establish the criteria upon which actual need is to be determined in accordance with the purposes set forth in this section.

(c) Payments from the library services improvement fund may be used only for the purposes approved by the board of library commissioners. Funding decisions shall be solely within the discretion of the board of library commissioners.

[33-2506, added 1998, ch. 57, sec. 2, p. 213; am. 1999, ch. 33, sec. 1, p. 69; am. 2006, ch. 235, sec. 8, p. 704.]

33-2507. STATE TREASURER TRUSTEE OF LIBRARY FUNDS WHEN REQUIRED. When the conditions of the grant or appropriation so require, the state treasurer shall serve as trustee of funds appropriated to the state from any appropriation made by the federal government, the state, or any other agency for providing and equalizing library service in Idaho.

[(33-2507) (33-2723) 1963, ch. 188, sec. 16, p. 568; am. & redesign. 1989, ch. 132, sec. 18, p. 296; am. & redesign. 2002, ch. 312, sec. 9, p. 891.]

33-2508. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. If the commission for libraries provides digital or online library resources for the use of students in kindergarten through grade 12, the commission shall comply with all provisions of section [33-137](#), Idaho Code.

[33-2508, added 2020, ch. 274, sec. 2, p. 809.]