

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives VANORDEN, McDonald, Kloc:

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 - Proposed Rule (Docket No. 30-0101-1801).

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 07/27/2018. 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 08/24/2018.

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 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: Principal Legislative Research Analyst - Elizabeth Bowen

DATE: July 10, 2018

SUBJECT: Idaho Commission for Libraries

IDAPA 30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services
- Proposed Rule (Docket No. 30-0101-1801)

The Idaho Commission for Libraries submits notice of proposed rulemaking at IDAPA 30.01.01. The proposed rule amends and clarifies eligibility requirements for grant programs.

Negotiated rulemaking was not conducted due to the nature of the rule change, which the Commission regards as "simple in nature." There is no anticipated negative fiscal impact on the state general fund. The Commission states that this rulemaking is authorized pursuant to Section 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. 30-0101-1801

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 18, 2018.

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 rulemaking is needed to address the agency's state-funded grant programs, which didn't exist in 2008; and to make eligibility requirements the same for agency state- and federally-funded grant programs. Rule changes define eligibility to apply for agency grant programs, broaden the range of eligible libraries, and make eligibility requirements the same for agency state- and federally-funded grant programs. Rule changes are also needed to reflect the Talking Book Service's move to digital and downloadable content and alignment with current National Library Services (the content and device provider) guidelines.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature. The rulemaking simply expands the eligibility to apply for agency grant programs and broadens the range of eligible libraries. In regard to the Talking Book Service, the rulemaking reflects the move to digital and downloadable content and alignment with current National Library Service guidelines.

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 July 25, 2018.

DATED this 13th day of June, 2018.

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. 30-0101-1801
(Only Those Sections With Amendments Are Shown.)

003. ADMINISTRATIVE APPEALS.

Appeals from the agency's denial of eligibility for LSTA grant funding or denial of a request for exemption from criteria for a proposed library district shall be governed by the provisions of the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)()

004. INCORPORATION BY REFERENCE.

The Library Services and Technology Act, 20 U.S.C.A. Section 91201, 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 Museum and Library Services website at <http://imls.gov/about/services2003.shtml> https://www.imls.gov/assets/1/AssetManager/MLSA_2010_asamended.pdf. (3-29-10)()

(BREAK IN CONTINUITY OF SECTIONS)

006. FILING OF DOCUMENTS.

~~All documents, applications, correspondence, or other written materials that are intended to be acted upon by the Commission must be mailed to the Commission at the mailing address set forth in Section 005 of these rules. The original of any documents, applications, correspondence, or other written materials that are submitted to the Commission using its facsimile number or sent via electronic mail must be deposited into the U.S. Mail, postage prepaid, addressed to the Commission, that same day.~~ (4-2-08)

007. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (4-2-08)

008. -- 010. (RESERVED)

011. DEFINITIONS.

01. Academic Library. A library organized and operating as part of an institution of higher education. An academic library may be, or be part of, a registered non-profit organization with tax exempt status. (4-2-08)()

02. Board. The Idaho Board of Library Commissioners as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

03. Commission. The Idaho Commission for Libraries as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

04. Library Clientele. The clientele of a library is dependent upon the type of library: (4-2-08)

a. Academic library. The students, staff, and faculty of the academic institution. (4-2-08)

b. Public library. The residents of the library's legal service area, as defined by the boundaries of its jurisdiction, and any non-residents as further defined by the library board's policies and contracts. (4-2-08)

c. School library. The students, staff, and faculty of the school or school district. (4-2-08)

- d. Special library. The patrons of the individual library or its parent institution, or both. (4-2-08)
05. **Library Consortia.** A local, regional, statewide, or interstate cooperative association of library entities which provides for the systematic and effective coordination of the resources of academic, public, school, and special libraries for improved services for the clientele of the member library entities. (4-2-08)
06. **Public Library.** A library organized and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)
07. **School Library.** A library organized and operating as part of a primary or secondary school, or both, or school district. Also called a school library media center. (4-2-08)
08. **Special Library.** A library that is not an academic, public, or school library, usually organized to meet a specialized mission and operating with a specialized collection, or to serve a specialized clientele. A special library may be a tribal, military or correctional institution library, or one that is, or is part of, a registered non-profit organization with tax exempt status. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

020. ~~LSTA (LIBRARY SERVICES AND TECHNOLOGY ACT) GRANT PROGRAMS – GENERAL ELIGIBILITY REQUIREMENTS – ADDITIONAL ELIGIBILITY REQUIREMENTS.~~

01. **General Eligibility Requirements for Public, School, Academic, and Special Library Grant Program Applicants.** ~~In addition to applicant specific criteria set forth in Subsections 020.02 and 020.03 of these rules, a~~Any LSTA grant program library applicant ~~or participant~~ must meet the following eligibility requirements: (4-2-08)()

- ~~a. The library is, or is part of, a non-profit institution or agency that receives substantial support from public tax revenues. (4-2-08)~~
- ~~b. The library has a current, written long range or strategic plan that is available in the library for review. (4-2-08)~~
- e.a. The library consists of a specific, permanent space exclusively designated for providing library services. (4-2-08)
- d.b. The library collects, provides, and coordinates access to library materials. (4-2-08)
- e.c. The library serves its clientele free of charge. (4-2-08)
- f.d. The library maintains regular ~~and published~~ hours of operation posted at the library door, and is open at least five (5) hours per week. (4-2-08)()
- i. ~~Academic library: minimum of seventy-five (75) hours per week while school is in session. (4-2-08)~~
- ii. ~~Public library: minimum of twelve (12) hours per week, including some evening or weekend hours. (4-2-08)~~
- iii. ~~School library: minimum of six (6) hours per day while school is in session. (4-2-08)~~
- iv. ~~Special library: dependent upon mission. (4-2-08)~~
- g.e. The library ~~employs an administrator who is responsible for the daily operations of the library~~ has

complied with previous Commission grant conditions during the preceding fiscal year. (4-2-08)()

kf. The library has at least one (1) paid staff member ~~on duty in~~ responsible for the daily operation of the library ~~during the hours the library is open.~~ (4-2-08)()

~~i. The library has an operable phone within the place set aside for the library and an e-mail address.~~ (4-2-08)

~~j. The library loans its materials to other Idaho libraries without charge.~~ (4-2-08)

~~k. The library provides training opportunities for its staff.~~ (4-2-08)

~~l. The library offers computer access, including Internet access, for its clientele, and has a policy that addresses acceptable use.~~ (4-2-08)

g. The library is not affiliated with any school, university or organization controlled by any church, sectarian, or religious denomination (Idaho State Constitution, Article IX, Section 5). ()

h. The library seeking to participate in any grant program must apply on forms provided by the Commission for that purpose. ()

02. Additional Eligibility Requirements for School and Academic Librariesy Grant Program Applicants. In addition to the criteria set forth in Subsection 020.01 of these rules, any LSTA grant program school or academic library applicant ~~or participant~~ must also meet the following requirements: (4-2-08)()

a. ~~The school is on the Idaho State Department of Education's current Accreditation Summary Report.~~
For school libraries, the school maintains a space that: (4-2-08)()

i. Is dedicated to library services, and is not space solely used for other instructions, such as a teacher's classroom; ()

ii. Houses books and other tools supporting the curriculum, research and reading requirements of students and staff; ()

iii. Is accessible for the students, teachers and staff at the school; and ()

~~b. The school district employs a certificated media generalist.~~ (4-2-08)

eb. For academic libraries, ~~T~~the academic institution is accredited by the Northwest Commission on Colleges and Universities. (4-2-08)()

03. Additional Eligibility Requirements for Public Librariesy Grant Program Applicants. In addition to the criteria set forth in Subsection 020.01 of these rules, any LSTA grant program public library applicant ~~or participant~~ must also meet the following requirements: (4-2-08)()

a. The library is established and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)

b. The library is open to the general public and does not charge a fee to any resident of its legal service area for any basic library service. Basic library services include: (4-2-08)()

i. Access during posted operating hours to library collections and the ~~I~~internet. (4-2-08)()

ii. Circulation of library materials, regardless of format. (4-2-08)

iii. Access to interlibrary loan services. Postage charges for interlibrary loans are assumed by the library, not the user. (4-2-08)

- iv. Reference services, regardless of format. (4-2-08)
- c. The library has a completed annual “Idaho Public ~~District~~ Library ~~Annual Statistical Report Survey~~” for the preceding fiscal year accepted by, and on file at, the Commission. (4-2-08)()
- d. The library has adopted a written internet safety policy that has been reviewed within the last three (3) years by the library’s board of trustees and is posted at the library. ()
- de. The library maintains a website presence that provides current information about, or access to, its services including: (4-2-08)()
 - i. Library ~~name~~ contact information. (4-2-08)()
 - ~~ii. Library address – both mailing address and street address, if different.~~ (4-2-08)
 - ~~iii. Library phone number.~~ (4-2-08)
 - ~~iv. E-mail address or contact form, or both.~~ (4-2-08)
 - ~~v. Hours of operation.~~ (4-2-08)
 - ~~vi. Names of library board members.~~ (4-2-08)
 - ~~vii. Link to online catalog, if the library has one.~~ (4-2-08)
 - ~~viii. Link to the LiLI Portal or to the LiLI Databases and the LiLI Unlimited statewide catalog with the “funded by LiLI” icon.~~ (4-2-08)()
 - ~~ix. Description of library services.~~ (4-2-08)
 - ~~x. Date “last updated” or “last reviewed” appears on each web page.~~ (4-2-08)

021. LIBRARY CONSORTIUM GRANT PROGRAM APPLICANTS.

In addition to the criteria set forth in Subsection 020.01 of these rules, Any LSTA grant program library consortium applicant ~~or participant~~ must have a formal organizational structure with at least the following elements in place: (4-2-08)()

- 01. Name.** A name for the consortium. (4-2-08)
- 02. Identification Number.** A tax identification number or an employer identification number (EIN) for the consortium. (4-2-08)
- 03. Members List.** A list of all the members. (4-2-08)
- 04. Governance Structure.** A representative governance structure and the name or names of the individuals with leadership roles and responsibilities identified. (4-2-08)
- 05. Funding Mechanism.** A sustaining funding mechanism supported in part by local funds from the members involved. (4-2-08)
- ~~06. Plan. A current, written long range or strategic plan approved by the members and available for review.~~ (4-2-08)
- 07.6. Agreement or By-Laws.** A cooperative agreement or by-laws of the organization signed by each member. (4-2-08)

~~08. **Policies and Procedures.** Policies and procedures for services, such as reciprocal borrowing, shared circulation, materials delivery, and cooperative collection development. (4-2-08)~~

~~09. **Addition or Withdrawal of Members.** Procedures for adding members to, and withdrawing members from, the consortia. (4-2-08)~~

022. NON-LIBRARY ENTITIES.

Any LSTA grant program non-library entity applicant or participant must: (4-2-08)

~~01. **Registered Non-Profit.** Be a non-profit corporation registered with the Idaho Secretary of State under the Idaho Non-Profit Corporation Act (Title 30, Chapter 3, Idaho Code); and (4-2-08)~~

~~02. **Tax Exempt.** Have tax exempt status under Internal Revenue Code, 26 U.S.C. Section 501(c)(3) or be tax-exempt as a governmental unit or publicly supported organization under Internal Revenue Code, 26 U.S.C. Section 509(a)(1). (4-2-08)~~

023. LSTA GRANT PROGRAM.

All applicants seeking to participate in any LSTA grant program must apply on forms provided by the Commission. (3-29-10)

~~024.~~ – 029. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

050. TALKING BOOK SERVICE (TBS).

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

a. Active status. To remain active, users must borrow or download 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 (3-29-12)~~

~~**ii.** No history of lost machines as defined by library procedures or more than one (1) Recorded Cassette (RC) player currently checked out. (3-29-12)~~

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

a. Formats. Recorded Audio and Braille books, magazines, and descriptive videos and discs print/Braille books 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 audio 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. 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. (3-29-12)

b. Loan periods. The Board shall establish loan periods for all titles and that information is available at the Commission office. (3-29-12)

c. Overdue materials. Users are urged to return materials promptly so they can be circulated to other patrons. (3-29-12)

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)