

IV. LEGISLATION – POLICIES - RULES

A.1. Legislation - Draft Idaho Code 33-2505

Consistent with the recommendations of our 2006 Task Force on state public documents ([Final Report](#)), we are pursuing legislation to replace the current public documents depository library system with a digital repository of state publications.

The draft legislation was distributed to members of the 2006 Task Force, directors of the depository libraries, and several agency directors. The concept was discussed with several additional agency directors and IT staff. We had more in-depth discussions with the director and staff of the Historical Society and Archives. They are satisfied that the proposed change is a step in the right direction and may help them fulfill their archival responsibility.

The draft legislation was approved by the Governor’s Office and sent to the Legislative Services Office for drafting in RS format.

Suggested motion: I move that the Commission for Libraries proceed with legislation to replace the current public documents depository library system with a digital repository of state publications.

MSC _____

SECTION 1. That Section 33-2505, Idaho Code, be, and the same is hereby amended to read as follows:

~~33-2505. STATE LIBRARIAN—DEPOSITORY FOR PUBLIC DOCUMENTS—DISTRIBUTION. It shall be the duty of the head of every agency, board, bureau, commission or department of the state of Idaho, including all state supported institutions of higher education in Idaho, to deposit with the librarian of the Idaho commission for libraries twenty (20) copies of all documents, reports, surveys, monographs, serial publications, compilations, pamphlets, bulletins, leaflets, circulars, maps, charts or broadsides of a public nature which it produces for public distribution. The deposit of information with the state librarian is intended to allow the information to be used and distributed to academic, regional, public, and special libraries in Idaho, the Library of Congress, and to others within the discretion of the state librarian.~~
DIGITAL REPOSITORY FOR STATE PUBLICATIONS. Recognizing that an informed citizenry is a cornerstone of 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 repository of publications prepared by state agencies. The digital repository is intended to collect state publications and make them readily available to all Idaho citizens.

SECTION 2. That Chapter 25, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-2505A, Idaho Code, and to read as follows:

33-2505A. DEFINITIONS. (1) “Digital repository” means electronic publications stored and accessible to the public on-line 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 section 9-340A through H, Idaho Code, or other information excluded or exempted by rule or regulation established by the board of library commissioners.

SECTION 3. That Chapter 25, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-2505B, Idaho Code, and to read as follows:

33-2505B. SUBMISSIONS BY STATE AGENCIES. (1) The head of every state agency 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 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 adopt such rules as are necessary and appropriate to accomplish the purpose of a digital repository for state publications.

SECTION 4. That Chapter 25, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-2505C, Idaho Code, and to read as follows:

33-2505C. EXEMPTIONS. (1) In the interest of economy and efficiency, the state librarian may exempt a given state publication or class of publications from the requirements of this section in full or in part.

(2) This chapter shall not apply to nor affect the duties concerning publications distributed by, or officers of:

- (a) The state law library; or
- (b) The statute law committee and the code reviser.

STATEMENT OF PURPOSE

State agencies spent \$4,297,800 in FY2006 and \$5,347,600 in FY2007 for “printing and binding” services (State Controller’s Office fiscal data). Some portion of these expenditures is for state publications intended for use by Idaho citizens.

The return on this investment by state government will be greatly increased by creating a web-accessible digital repository of state publications and bringing the 1972 depository system for public documents into the 21st century.

The proposed legislation will make public documents published by state government more accessible to the public for whom they are intended. It will make finding and retrieving information easier and more cost-effective for Idaho citizens and help state entities reach their intended audience in a more cost-effective way.

The proposed legislation will expand citizen access to the information in state publications by:

- Establishing a digital repository to replace the outdated depository system,
- Providing a definition of “state publication” and other relevant terms,
- Replacing the requirement to submit 20 copies of public documents with more cost-effective requirements for the digital repository, and
- Providing for exemptions from the requirements.

FISCAL IMPACT

There are no accurate figures on the annual volume or cost of Idaho state publications. A sample survey estimated that in the spring of 2007 the equivalent of one terabyte of public documents was published with state tax dollars, and projected at least 30% annual growth. State agencies complying with the current depository requirements will undoubtedly experience a decrease in expenditures as a result of the proposed 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 in ongoing funds to maintain it:

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