

V. LEGISLATION – POLICIES – RULES – GUIDELINES

C. Rules – Action Item

The current agency rules addressing the Digital Repository of State Publications (040) were promulgated in 2009. The agency has only received one agency exemption request since 2009 from Idaho Public Television due to copyrighted music issues. Under Governor Little’s Executive Order No. 2019-02 - Red Tape Reduction Act, each agency was asked to review its rules and look for ways to increase clarity and decrease words. Below is a suggestion for rewording that encapsulates the same intent, while minimizing word count and specifics given the infrequency of agency requests for reconsideration.

Our Deputy Attorney General is reviewing the proposed suggested edits. If approved, his office will format the document and prepare the forms necessary to initiate the rulemaking process. We plan for the proposed rules to be published in an upcoming 2019 issue of the Idaho Administrative Bulletin to begin a 21-day comment period. Once the comment period ends and any resulting changes are made, the now pending rules are submitted for review by the germane committees (Education) in the 2020 Legislature.

Suggested motion: I move that the Board of Library Commissioners initiate the rulemaking process for amendments to IDAPA 30. Title1, Chapter 1, as presented in Board Document 19-68.

MSC _____

Role call vote: Franklin_____, Held_____, Mecham_____, Raffee_____

**IDAPA 30
TITLE 01
CHAPTER 01**

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

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

040. DIGITAL REPOSITORY OF STATE PUBLICATIONS.

All state publications intended for distribution to the public must be deposited with the Commission according to Section 33-2505, Idaho Code. The Board may, however, grant exemptions from Section 33-2505, Idaho Code, for any publication or class of publications in the interest of economy and efficiency. Exemption requests may be made by state agencies or the State Librarian. Any formal Board action will be documented in the Board minutes and communicated to the requestor.

Board Document 19-68

01. Exemption Authority. The Board may grant exemptions from Section 33-2505, Idaho Code, in the interest of economy and efficiency. (5-8-09)

02. Bases for Exemption. Exemptions include, but are not limited to: (5-8-09)

a. Any publication specifically exempted by statute; or (5-8-09)

b. Any publication or class of publications exempted by the Board. (5-8-09)

03. Exemption Requests. State agencies may petition for the exemption of a specific publication or a class of publications using approved forms provided by the Commission. The request shall: (5-8-09)

a. Name the requesting state agency and a designated contact; (5-8-09)

b. Clearly identify the publication or class of publications; and (5-8-09)

c. Explain the rationale for exemption. (5-8-09)

04. Request for Exemption by State Librarian. The State Librarian may request the exemption of a specific publication or a class of publications based on the ability of the Commission to capture or process said materials. The request shall: (5-8-09)

a. Name the publishing state agency; (5-8-09)

b. Clearly identify the publication or class of publications; and (5-8-09)

c. Explain the rationale for exemption. (5-8-09)

05. Filing Exemption Requests. Exemption requests shall be filed with the Commission not less than sixty (60) days prior to a regularly scheduled Board meeting. (5-8-09)

06. Board Action on Exemption Requests. The Board shall grant or deny exemption requests, determine an expiration date, and provide written notification of its decision to the publishing state agency within thirty (30) days of its decision. (5-8-09)

07. Annual Report. The State Librarian shall submit an annual report of all exemptions to the Board. (5-8-09)

08. Review of Exemptions. Exemptions shall be reviewed by the Board at least sixty (60) days prior to the expiration date. State agencies shall be notified by the Commission of any change in exemption status within thirty (30) days of Board action. (5-8-09)