

V. LEGISLATION – POLICIES – RULES

C. Rules – Action Item

Earlier this summer, staff drafted changes addressing the Digital Repository of State Publications (040) promulgated in 2009. The Idaho Commission for Libraries adopted temporary rules, and proposed rulemaking procedures were initiated. The action is authorized pursuant to Section(s) 33-2503, Idaho Code, Notice of Omnibus Rulemaking – Temporary and Proposed Rulemaking, for IDAPA 30, Title1, Chapter 1, Rules of the Idaho Commission for Libraries Governing the Use of Commission Services.

This Board initiated the rule-making process with a motion at its June 6 meeting. The proposed rules were then published in the June 2019 Idaho Administrative Bulletin. A link to the rulemaking notice was posted on the agency website with an invitation to review and comment on the proposed rules. The 21-day public comment period ended on July 22. There was one mention of the Commission and its Rule Making in Rep. Heather Scott’s newsletter, but no questions or comments were submitted through the requested process.

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. Staff made a suggestion for rewording that encapsulates the same intent, while minimizing word count and specifics given the infrequency of agency requests for reconsideration.

Once adopted by the Board, the pending rules will need to be reviewed by the House and Senate, which may approve or reject them. Rejection of a pending rule requires the adoption of a concurrent resolution. Pending rules become final and effective upon the adjournment of the legislative session.

Suggested motion: I move that the pending rules governing the use of Commission Services, Docket # 30-0101-1801, be adopted as distributed in Board Document 20-02.

MSC _____

Role call vote: Franklin _____, Held _____, Mecham _____, Raffee _____

Strickland _____

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.

~~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)~~
