

State of South Dakota

NINETY-????? SESSION

LEGISLATIVE ASSEMBLY, 201?

HOUSE BILL or SENATE BILL NO. ____

XXXX

Introduced by: Representatives _____ and Senators _____ at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise and define certain administrative and advisory
2 functions relating to the South Dakota State Library and the South Dakota State Library Board.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 14-1-44 be amended to read:

5 14-1-44. Execution of state library policy--Duties of library office. The State Library Office
6 shall be responsible for executing the library policy of the State of South Dakota and shall:

7 (1) Promote adequate library service for all the people of the state;

8 (2) ~~Supplement~~ Complement and, when possible, rectify deficiencies in the services
9 of libraries throughout the state;

10 (3) Increase the proficiency of library personnel through provision of in-service and
11 continuing education programs for library personnel employed in the state;

12 (4) Provide for the citizens of the state specialized library services and materials not
13 generally appropriate, economical, or available in other libraries of the state;

1 (5) ~~Coordinate the libraries maintained by the executive department of state~~
2 ~~government within the governmental complex in Pierre;~~

3 (6) (5) Establish and operate a state publications library distribution ~~center~~ program;
4 and

5 (7) (6) Collect and publish annual statistical data of libraries in the state.

6 Section 2. That § 14-1-48 be repealed.

7 14-1-48.—~~Network to make library resources available to citizens. The State Library~~
8 ~~Office shall provide a network and system whereby the resources of libraries in this state are~~
9 ~~made available to the citizens of the state.~~

10 Section 3. That § 14-1-50 be amended to read:

11 14-1-50. Services for visually impaired and physically ~~handicapped~~ disabled. The State
12 Library Office shall provide for library services to the visually impaired and physically
13 ~~handicapped~~ disabled.

14 Section 4. That § 14-1-51 be repealed.

15 14-1-51.—~~Libraries in penal and charitable institutions and special schools. The State~~
16 ~~Library Office shall establish, improve, and supervise suitable libraries to be maintained by the~~
17 ~~state in the penal and charitable institutions and in the special schools supported in whole or in~~
18 ~~part by the state, with the consent and subject to such rules and regulations as may be made by~~
19 ~~the boards responsible for such institutions.~~

20 Section 5. That § 14-1-55 be amended to read:

21 14-1-55. State Library Board--Appointment--Terms. The Governor shall appoint a State
22 Library Board ~~to perform all functions of the former State Library Commission~~. The board shall
23 consist of six members appointed by the Governor for three-year terms. The members may not
24 be of all the same political party. The initial terms of the members of the board shall be set by the
25 Governor in such a manner that no more than two members' terms expire in the same year. One
26 member shall be the executive director of the Board of Regents or the executive director's
27 designee from among the public university Library Directors. The members shall represent, as
28 nearly as practical, all geographic areas of the state.

29 The terms of members begin on October thirty-first of the calendar year in which the
30 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
31 term expires on October thirtieth in the third year of appointment.

1 ~~Any member's term ending June 30, 2013, or thereafter is extended to October thirtieth in~~
2 ~~the year the term is to expire.~~

3 Section 5. That § 14-1-59 be amended to read:

4 14-1-59. ~~Supervisory~~ Advisory and policy-making functions of board. The State Library
5 Board shall be the ~~supervisory~~ advisory and policy-making body of the State Library Office and
6 shall:

7 (1) ~~Formulate~~ Approve general policies for the State Library;

8 (2) Promulgate rules pursuant to chapter 1-26 under which state library services and
9 materials may be used by ~~citizens~~ state residents and by libraries in the state, under which
10 administration and execution of federal or private funds or programs that may be received by the
11 State Library may be carried out, and under which libraries of the state may have access to
12 systems and networks provided outside the state by the State Library;

13 (3) Review and approve budget requests for the State Library; and

14 (4) Adopt a long-range plan for the statewide coordination and development of library
15 services.

16 Section 6. That § 14-1-60 be amended to read:

17 14-1-60. General powers of board. The State Library Board may:

18 (1) ~~Contract~~ Approve contracts, under such terms and conditions as may be suitable,
19 with any person, any library, any state department, any unit of local government empowered to
20 establish a library, or any library board to provide library services, to extend, improve, or
21 coordinate library services, or to demonstrate appropriate programs of library service;

22 (2) ~~Enter into~~ Approve library agreements pursuant to the Interstate Library Compact;

23 (3) Appoint any advisory councils it may deem necessary or may find are required for
24 receipt of federal or private funds or programs; and

25 (4) Accept gifts of library materials, money, or property for the use of the State
26 Library.

27 Section 7. That § 14-1-64 be amended to read:

1 14-1-64. ~~Administrative~~ Advisory functions of State Library Board and administrative
2 functions of the state librarian. The State Library Board shall exercise the administrative
3 advisory function as defined in subdivision 1-32-1 (~~4~~) (2) and consistent with § 1-45-4. The state
4 librarian shall perform administrative functions in accordance with the general policies of the
5 State Library Board and the executive branch of government.

6 Section 8. That § 14-1-66 be amended to read:

7 14-1-66. ~~Publisher to provide electronic versions of textbooks—Cost—Legacy defined—Duty~~
8 ~~of to the~~ Department of Education. Upon request and pursuant to Administrative Rule 24:30:08,
9 publishers must provide a publisher of a textbook that is adopted for instructional use by a school
10 ~~district shall furnish the South Dakota State Library with an electronic version of the textbook if~~
11 ~~the textbook is for a literary subject; or, if the textbook is for a nonliterary subject, such as~~
12 ~~natural sciences, computer science, mathematics, or music, an electronic version shall be~~
13 ~~furnished if the technology is available to convert the textbook directly to a format compatible~~
14 ~~with Braille translation software. The publisher shall provide the electronic file to the requesting~~
15 ~~agency within sixty days of receiving written notice that the file is needed. The cost of the~~
16 ~~electronic publisher's file may not exceed the cost of a print copy of the same title. Legacy~~
17 ~~materials are exempt from the requirements of this section. For purposes of this section, the term,~~
18 ~~legacy, means images and graphics requiring release and permission from another source other~~
19 ~~than the publisher. T~~he Department of Education shall oversee the process established in this
20 section to ensure that the textbooks and electronic files arrive by the start of the school year
21 electronically formatted textbooks.

22 Section 8. That AR§ 24:30:01:01 be amended to read:

23 **24:30:01:01. Eligible public libraries.** Any ~~citizen of South Dakota or any public~~
24 library, school library, academic library, or special library located in South Dakota is eligible to
25 use the library materials and services of the South Dakota State Library, as provided in this
26 article.

27 Section 9. That AR 24:30:01:02 be amended to read:

28 **24:30:01:02. Use of State Library.** Persons may request State Library materials and
29 services as follows:

30 (1) The following persons may request materials and services directly from the State
31 Library by visit, telephone, electronic means, or letter;

32 (a) An employee of state government;

33 (b) A person who is visually or physically disabled;

1 (c) Any other ~~citizen~~ resident of South Dakota who is not specified in subdivision (2)
2 or (3) of this section;

3 (2) A person who is teaching in or enrolled full time on campus in an elementary,
4 secondary, postsecondary, or higher education institution may request materials and services
5 from the State Library only through a local school library or academic library; ~~and~~

6 ~~(3) A person who is a resident of a state-supported penal or charitable institution may~~
7 ~~request materials and services from the State Library only through an institutional library.~~

8 Section 10. That AR 24:30:01:08 be amended to read:

9 **24:30:01:08. Withholding use from public.** The State Library may withhold use of its
10 materials and services from any person or library for a minimum of one year when the following
11 abuses are documented:

12 (1) Holding of library materials beyond their due date, loss of library materials, damage to
13 library materials, or any combination of holding beyond the due date, loss, or damage when these
14 abuses are documented five times within one year;

15 (2) Holding beyond the due date, loss, or damage to library materials borrowed by the
16 State Library from other libraries on interlibrary loan when either holding, loss, damage, or any
17 combination of the three is documented twice in one year;

18 (3) Failure to pay for damage or loss as provided in § 24:30:02:06.

19 A request for waiver of this rule may be considered by the State Library Board at any of its
20 regular quarterly meetings if the request is received in writing from the person or the governing
21 board of the library concerned. To be entitled to a waiver the person or library must enter into an
22 agreement for payment of fees and future compliance with rules and establish that the person or
23 the library is not in violation of any other state library rules. If a library is part of an institution or
24 school, the library must identify a single individual responsible for payment of fees and
25 coordination of all library service requests.

26 Section 11. That AR 24:30:01:09 be amended to read:

27 **24:30:01:09. Loss of services if user fee charged -- Coordinator for service requests.**
28 The State Library may withhold its materials and services from any library that charges a fee to
29 its users for materials and services obtained through the State Library. A request for waiver of
30 this rule may be considered by the State Library Board at any of its regular quarterly meetings if
31 the request is received in writing from ~~the person or~~ the governing board of the library
32 concerned. To be entitled to a waiver the ~~person or~~ library must enter into an agreement for
33 future compliance with rules and establish that ~~the person or~~ the library is not in violation of any

1 other state library rules. If a library is part of an institution or school, the library must identify a
2 single individual responsible for coordination of all library services requests. These services and
3 materials include the following:

4 (1) State Library materials borrowed through interlibrary loan;

5 (2) Materials obtained by the State Library through interlibrary loan from other sources;

6 ~~(3) Services and materials provided and obtained through South Dakota Library Network~~
7 ~~(SDLN) PALS.~~

8 Section 12. That AR 24:30 be amended by adding a NEW SECTION to read:

9 Publisher to provide electronic versions of textbooks--Cost--Legacy defined--Duty of
10 Department of Education. Upon request, a publisher of a textbook that is adopted for
11 instructional use by a school district shall furnish the South Dakota State Library with an
12 electronic version of the textbook if the textbook is for a literary subject; or, if the textbook is for
13 a nonliterary subject, such as natural sciences, computer science, mathematics, or music, an
14 electronic version shall be furnished if the technology is available to convert the textbook
15 directly to a format compatible with Braille translation software. The publisher shall provide the
16 electronic file to the requesting agency within sixty days of receiving written notice that the file
17 is needed. The cost of the electronic publisher's file may not exceed the cost of a print copy of
18 the same title. Legacy materials are exempt from the requirements of this section. For purposes
19 of this section, the term, legacy, means images and graphics requiring release and permission
20 from another source other than the publisher. The Department of Education shall oversee the
21 process established in this section to ensure that the textbooks and electronic files arrive by the
22 start of the school year. (Transferred from § 14-1-66.)