

State of South Dakota

(DRAFT #3 March 16, 2016)

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 § 14-1-50 be amended to read:

7 14-1-50. Services for visually impaired and physically ~~handicapped~~ disabled. The State
8 Library Office shall provide for library services to the visually impaired and physically
9 ~~handicapped~~ disabled.

10 Section 3. That § 14-1-51 be amended to read.

11 14-1-51. Libraries in ~~penal and charitable institutions and~~ special schools. The State
12 Library Office shall establish, ~~improve, and support~~ supervise suitable libraries ~~to be maintained~~
13 ~~by the state in the penal and charitable institutions and~~ in the special schools supported in whole
14 or in part by the state, with the consent and subject to such rules and regulations as may be made
15 by the boards responsible for such institutions.

16 Section 4. That § 14-1-55 be amended to read:

17 14-1-55. State Library Board--Appointment--Terms. The Governor shall appoint a State
18 Library Board ~~to perform all functions of the former State Library Commission~~. The board shall
19 consist of six members appointed by the Governor for three-year terms. The members may not
20 be of all the same political party. The initial terms of the members of the board shall be set by the
21 Governor in such a manner that no more than two members' terms expire in the same year. One
22 member shall be the executive director of the Board of Regents or the executive director's
23 designee. The members shall represent, as nearly as practical, all geographic areas of the state.

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

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

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

30 14-1-59. ~~Supervisory and p~~Policy-making functions of board. The State Library Board
31 shall be the ~~supervisory and~~ policy-making body of the State Library Office and shall:

- 1 (1) ~~Formulate~~ Approve general policies for the State Library;
- 2 (2) Promulgate rules pursuant to chapter 1-26 under which state library services and
3 materials may be used ~~by citizens and~~ by libraries in the state, under which administration and
4 execution of federal or private funds or programs that may be received by the State Library may
5 be carried out, and under which libraries of the state may have access to systems and networks
6 provided outside the state by the State Library;
- 7 (3) Review and approve budget requests for the State Library; and
- 8 (4) Adopt a long-range plan for the statewide coordination and development of library
9 services.

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

11 14-1-60. General powers of board. The State Library Board may:

- 12 (1) ~~Contract~~ Approve agreements, under such terms and conditions as may be
13 suitable, with any person, any library, any state department, any unit of local government
14 empowered to establish a library, or any library board to provide library services, to extend,
15 improve, or coordinate library services, or to demonstrate appropriate programs of library
16 service;
- 17 (2) ~~Enter into~~ Approve library agreements pursuant to the Interstate Library Compact;
- 18 (3) Appoint any advisory councils it may deem necessary or may find are required for
19 receipt of federal or private funds or programs; and
- 20 (4) Accept gifts of library materials, money, or property for the use of the State
21 Library.

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

23 14-1-64. ~~Administrative~~ Functions of State Library Board and administrative functions of
24 the state librarian. The State Library Board shall exercise the ~~administrative~~ advisory function as
25 defined in subdivision 1-32-1 ~~(1)~~ (2) and consistent with § 1-45-4. The state librarian shall
26 perform administrative functions in accordance with the general policies of the State Library
27 Board and the executive branch of government.

28 Section 8. That § 14-1-65 be repealed:

1 ~~14-1-65. Audio-visual library services—Regulations—Fees. The State Library Board may~~
2 ~~promulgate rules pursuant to chapter 1-26 for the use of audio-visual library services. No fee~~
3 ~~may be charged for the use of audio-visual library services.~~

4 Section 9. That § 14-1-66 be amended to read:

5 ~~14-1-66. Publisher to provide electronic versions of textbooks—Cost—Legacy defined—Duty~~
6 ~~of to the Department of Education. Upon request and pursuant to Administrative Rule 24:30:08,~~
7 ~~publishers must provide a publisher of a textbook that is adopted for instructional use by a school~~
8 ~~district shall furnish the South Dakota State Library with an electronic version of the textbook if~~
9 ~~the textbook is for a literary subject; or, if the textbook is for a nonliterary subject, such as~~
10 ~~natural sciences, computer science, mathematics, or music, an electronic version shall be~~
11 ~~furnished if the technology is available to convert the textbook directly to a format compatible~~
12 ~~with Braille translation software. The publisher shall provide the electronic file to the requesting~~
13 ~~agency within sixty days of receiving written notice that the file is needed. The cost of the~~
14 ~~electronic publisher's file may not exceed the cost of a print copy of the same title. Legacy~~
15 ~~materials are exempt from the requirements of this section. For purposes of this section, the term,~~
16 ~~legacy, means images and graphics requiring release and permission from another source other~~
17 ~~than the publisher. The Department of Education shall oversee the process established in this~~
18 ~~section to ensure that the textbooks and electronic files arrive by the start of the school year~~
19 ~~electronically formatted textbooks compatible with braille translation software.~~