

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 875
98TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, May 7, 2015, with recommendation that the Senate Committee Substitute do pass.

2011S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 181.100, 181.110, 181.130, and 182.660, RSMo, and to enact in lieu thereof three new section relating to libraries.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 181.100, 181.110, 181.130, and 182.660, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 181.100, 181.110, and 182.660, to read as follows:

181.100. 1. As used in sections 181.100 to [181.130] **181.110** the
2 following terms shall mean, unless the context requires otherwise:

3 (1) "Agency", each department, office, commission, board, or other
4 administrative office or unit of state government;

5 (2) "Electronic repository", a collection of electronic publications kept in
6 a secure environment with adequate backup to protect the collection;

7 (3) "Format", any media used in the publication of state information
8 including electronic, print, audio, visual, and microform;

9 (4) ["Participating libraries", a library selected by the secretary of state
10 to assist the public in locating and using state publications in any format; and
11 designated to house and make available to the public publications which agencies
12 have produced in print;

13 (5)] "Publications", the information published by agencies intended for
14 distribution to the legislature, agencies, political subdivisions, nonprofit
15 organizations or broad distribution to the public, including publications issued
16 electronically or in other formats;

17 [(6)] **(5)** "State publications access program", a program to provide access

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 to state publications for all citizens of Missouri through a secure repository of
19 electronic publications available to the public through electronic networks [and
20 print collections located in libraries throughout Missouri].

21 2. [Other provisions of law to the contrary notwithstanding, all state
22 agencies required to issue and distribute multiple-produced annual, biannual, or
23 periodic reports shall distribute such reports without charge only to those persons
24 and offices listed in subsection 4 of this section.] For the purposes of sections
25 181.100 to [181.130] **181.110**, the word "report" means a state publication which
26 is either a [printed] statement by a state agency, issued at specific intervals,
27 which describes its operations and progress, and possibly contains a statement
28 of its future plans; or a formal, written account of an investigation given by a
29 person or group delegated to make the investigation. Such reports shall not be
30 distributed to any other person, including members of the general assembly, state
31 officeholders, other state agencies, divisions or departments, or to members of the
32 public, except upon request.

33 3. [No report described in subsection 2 of this section shall be distributed
34 free of charge to any person or office, except as provided in subsection 4 of this
35 section. Each recipient of any such report shall pay the cost of printing and
36 postage, which cost shall be determined by the issuing agency prior to
37 distribution of the document.

38 4.] Each agency of state government which distributes annual, biannual,
39 or periodic reports printed in paper shall provide such copies of each such
40 document free of charge to the state library as the state library shall specify[,
41 along with a statement of the cost and address where additional copies of such
42 report may be requested]. Two copies of all reports shall be provided to the
43 legislative library, one copy to the chief clerk of the house of representatives, one
44 copy to the secretary of the senate, one copy to the supreme court library and one
45 copy to the governor.

181.110. 1. For the purpose of providing the services described in this
2 section, each agency shall have the following responsibilities and powers:

3 (1) To submit to the state library electronically each publication created
4 by the agency in a manner consistent with the state's enterprise architecture;

5 (2) To determine the format used to publish;

6 (3) For those publications which the agency determines shall be printed
7 and published in paper, to supply the number of copies [for participating
8 libraries] as determined by the secretary of state;

9 (4) To assign a designee as a contact for the state publications access
10 program and forward this information to the secretary of state [annually].

11 2. For the purpose of providing the services described in this section, the
12 secretary of state shall have the following responsibilities:

13 (1) Through the state library, to provide a secure electronic repository of
14 state publications. Access to the state publications in the repository shall be
15 provided through [multiple methods of access, including the statewide online
16 library catalog and] a publicly accessible electronic network;

17 (2) [To create, in administrative rule, the criteria for selection of
18 participating libraries and the responsibilities incumbent upon those libraries in
19 serving the citizens of Missouri;

20 (3)] To set by administrative rule the electronic formats acceptable for
21 submission of publications to the electronic repository;

22 [(4)] (3) May issue and promulgate rules to enforce, implement and
23 effectuate the powers and duties established in sections 181.100 to [181.130]
24 **181.110**.

25 3. For the purpose of providing the services described in this section, the
26 state library shall [have the following responsibilities, all to be performed], in a
27 manner consistent with e-government[:

28 (1) To], administer the electronic repository of state publications for
29 access by the citizens of Missouri[, and receive and distribute publications in
30 other formats, which will be housed and made available to the public by the
31 participating libraries;

32 (2) To ensure the organization and classification of state publications
33 regardless of formats and the distribution of materials in additional formats to
34 participating libraries;

35 (3) To publish regularly a list of all publications of the agencies,
36 regardless of format.

37 4. For the purpose of providing the services described in this section, the
38 participating libraries shall have the following responsibilities:

39 (1) To ensure citizens who come to the library will be able to access
40 publications electronically;

41 (2) To maintain paper copies of those state publications that agencies
42 publish in paper that are designated by the secretary of state to be included in
43 the Missouri state publications access program;

44 (3) To maintain a collection of older state publications published by the

45 agencies in paper and designated by the secretary of state to be included in the
46 Missouri state publications access program;

47 (4) To provide training for staff of other libraries to assist the public in
48 the use of state publications;

49 (5) To assist agencies in the distribution of paper copies of state
50 publications to the public].

51 [5.] 4. All responsibilities and powers set out in this section shall be
52 carried out consistent with the provisions of section 161.935.

53 [6.] 5. Any rule or portion of a rule, as that term is defined in section
54 536.010, that is created under the authority delegated in this chapter shall
55 become effective only if it complies with and is subject to all of the provisions of
56 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
57 nonseverable and if any of the powers vested with the general assembly pursuant
58 to chapter 536 to review, to delay the effective date, or to disapprove and annul
59 a rule are subsequently held unconstitutional, then the grant of rulemaking
60 authority and any rule proposed or adopted after August 28, 2004, shall be
61 invalid and void.

182.660. 1. Any consolidated public library district created under sections
2 182.610 to 182.670 may enlarge the area it serves by incorporating into it any
3 county, city, municipal, school or public library district.

4 2. The board of trustees of a county, city, municipal, school or public
5 library district may, by resolution duly acted upon, petition the board of trustees
6 of a consolidated public library district to become a part of and be included in
7 such consolidated public library district. The petitioning district may be admitted
8 into the consolidated public library district upon majority vote of the board of
9 trustees of the consolidated public library district at the prevailing tax rate of the
10 consolidated district. Notice of inclusion of the petitioning district into the
11 consolidated public library district shall be given to the governing authority of the
12 district so included in accordance with the notice provisions set out in section
13 182.620.

14 3. Whenever five percent of the voters of a county, city, municipal, school
15 or public library district shall petition in writing the governing authority of the
16 district to be included in the consolidated public library district and upon written
17 approval by majority vote of the board of trustees of the consolidated public
18 library district, it shall be the duty of the governing authority to submit the
19 question to the voters of the petitioning district at an election.

20 4. Upon admission of any petitioning district by majority vote of the board
21 of trustees of the consolidated public library district or upon majority approval
22 of the voters of any such district for inclusion in the consolidated public library
23 district, the taxing authority and governing authority of the district shall take
24 appropriate action to transfer, within sixty days following the approval or
25 election, all title and interest in all property both real and personal in the name
26 of the district, to the board of trustees of the consolidated public library
27 district. Upon the transfer of the title and interest in the property, it shall
28 become a part of the consolidated public library district. **Notwithstanding**
29 **section 182.640 to the contrary, if the petitioning district is a city or**
30 **municipal library district located in part in any county that is not a**
31 **county participating in the consolidated public library district, the**
32 **board of trustees of the consolidated public library district shall be**
33 **expanded to include one additional trustee appointed by the county**
34 **commissioners or county executive officers of the county not currently**
35 **included in the consolidated public library district. Upon admission of**
36 **the petitioning interest in the property of the petitioning district for**
37 **inclusion in the consolidated public library district, the transfer of the**
38 **title and interest in the property of the petitioning district, and the**
39 **appointment of the additional trustee, the petitioning district and its**
40 **board of trustees shall cease to exist.**

41 5. If the tax levy for the district admitted is not at the same rate as that
42 of the consolidated public library district or if there is no tax levied in the district
43 for the support of public libraries, then at the beginning of the next taxing period
44 a tax or taxes shall be levied in the district admitted to conform to and be the
45 same as that levied in the consolidated public library district.

 [181.130. The state library may enter into agreements with
2 participating libraries which meet standards for eligibility to be
3 established by the state library.]

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