

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1044
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, February 23, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3847S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

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

Section A. Sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 37.310, 37.320, 37.360, 181.021, 181.022, 181.100, 181.110, and 181.130, to read as follows:

37.310. A "Forms Management Unit", is hereby established within the office of administration. The unit shall develop a forms management program for state agencies, and shall implement the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to **[181.120]** **181.110**, RSMo. Each agency shall fully cooperate with the unit, and shall furnish all requested information and assistance.

37.320. 1. The commissioner of administration shall appoint a director as the executive head of the unit. The director must be experienced in the principles of information and forms management, archives, and the affairs and organization of state government. He shall be a person who is qualified by training and experience to administer the affairs of the unit.

2. The director shall appoint such staff as may be necessary to implement the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to **[181.120]** **181.110**, RSMo. All staff members shall be appointed pursuant to the provisions of chapter 36, RSMo.

3. The director shall also serve as an additional voting member of the state records commission established by the provisions of section 109.250, RSMo.

37.360. The unit shall offer its services to agencies within the legislative and judicial

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

branches of government, and to those agencies of the executive branch which are otherwise excepted from the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to [181.120] **181.110**, RSMo.

181.021. The Missouri state library shall be under the control of the secretary of state and operated under rules and regulations promulgated by the secretary of state. The secretary of state shall:

(1) Direct the survey of services given by libraries which may be established or assisted under any law for state grants-in-aid to libraries;

(2) Further the coordination of library services furnished by the state with those of local libraries and other educational agencies;

(3) Publish an annual report showing conditions and progress of public library service in Missouri;

(4) Furnish information and counsel as to the best means of establishing and maintaining libraries, the selection of materials, cataloging, and other details of library management; provide assistance in organizing libraries or improving service given by them and assist library services in state institutions;

(5) Receive and administer grants from the United States under any act of Congress for public libraries, or other types of library service, and make rules and regulations in connection with such grants as may be necessary or required in the administration thereof;

(6) Receive gifts of money, books or other property which may be used or held in trust for the purposes given;

(7) Administer state grants-in-aid and encourage local support for the betterment of local library service and generally promote an effective statewide public library system;

(8) Procure and disseminate information by any means necessary within the state among individuals, communities, libraries, schools, charitable and state institutions, state departments and other organizations;

(9) Administer the Wolfner Library for the blind and physically handicapped and ensure library services to the eligible blind and physically handicapped residents of this state;

(10) Appoint members to the secretary of state's council on library development, as set forth in section 181.022, RSMo.

181.022. 1. The secretary of state shall create the "Secretary's Council on Library Development" to advise the secretary of state and the state library on matters that relate to the state's libraries and library service to Missouri citizens, to recommend to the secretary of state and the state library policies and programs relating to libraries in the state, and to communicate the value of libraries.

2. Members of the secretary's council on library development shall serve three-year terms, to be served on a rotating basis as shall be established by the

secretary of state.

3. The members of the secretary's council on library development shall be appointed by the secretary of state, to include members of the house of representatives, members of the senate, representatives of the public and of libraries, trustees of Missouri libraries, and users of the state libraries.

181.100. 1. [As used in sections 181.100 to 181.120, "state publications" shall include all multiple-produced publications of state agencies, regardless of format or purpose, with the exception of correspondence and interoffice memoranda.] **As used in sections 181.100 to 181.130 the following terms shall mean, unless the context requires otherwise:**

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

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

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

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

(5) "Publications", the information published by agencies intended for distribution to the legislature, agencies, political subdivisions, non-profit organizations or broad distribution to the public, including publications issued electronically or in other formats;

(6) "State Publications Access Program", a program to provide access to state publications for all citizens of Missouri through a secure repository of electronic publications available to the public through electronic networks and print collections located in libraries throughout Missouri.

2. Other provisions of law to the contrary notwithstanding, all state agencies required to issue and distribute multiple-produced annual, biannual, or periodic reports shall distribute such reports without charge only to those persons and offices listed in subsection 4 of this section. For the purposes of sections 181.100 to 181.120, the word "report" means a state publication which is either a printed statement by a state agency, issued at specific intervals, which describes its operations and progress, and possibly contains a statement of its future plans; or a formal, written account of an investigation given by a person or group delegated to make the investigation. Such reports shall not be distributed to any other person, including members of the general assembly, state officeholders, other state agencies, divisions or departments, or to members of the public, except upon request.

3. No report described in subsection 2 of this section shall be distributed free of

charge to any person or office, except as provided in subsection 4 of this section. Each recipient of any such report shall pay the cost of printing and postage, which cost shall be determined by the issuing agency prior to distribution of the document.

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

181.110. [The state library shall, under the direction of the secretary of state, publish monthly an official indexed list of all printed publications of all state offices, departments, divisions, boards and commissions, whether legislative, executive or judicial, and any subdivisions of each, including state-supported institutions of higher education. Such list shall state the cost of each publication contained therein. The library shall also distribute such numbers of copies of such publications as it deems necessary to certain libraries, also designated by it, which shall serve as depositories for making available to the public such publications. No publications shall be distributed to any library unless a request is made therefor.] 1. **For the purpose of providing the services described in this section, each agency shall have the following responsibilities and powers:**

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

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

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

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

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

(1) **The secretary, through the state library, shall provide a secure electronic repository of state publications. Access to the state publications in the repository shall be provided through multiple methods of access, including the statewide online library catalog and a publicly accessible electronic network;**

(2) **The secretary shall create, in administrative rule, the criteria for selection of participating libraries and the responsibilities incumbent upon those libraries in serving the citizens of Missouri;**

(3) **The secretary shall set by administrative rule the electronic formats**

acceptable for submission of publications to the electronic repository;

(4) The secretary may issue and promulgate rules to enforce, implement and effectuate the powers and duties established in sections 181.100 to 181.130.

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

(1) The state library shall administer the electronic repository of state publications for access by the citizens of Missouri, and receive and distribute publications in other formats, which will be housed and made available to the public by the participating libraries;

(2) The state library shall ensure the organization and classification of state publications regardless of formats and the distribution of materials in additional formats to participating libraries;

(3) The state library shall publish regularly a list of all publications of the agencies, regardless of format.

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

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

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

(3) To maintain a collection of older state publications published by the agencies in paper and designated by the secretary of state to be included in the Missouri state publication access program;

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

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

5. All responsibilities and powers set out in this section shall be carried out consistent with the provisions of section 191.863, RSMo.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant

of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

181.130. The state library may enter into [depository] agreements with [public] **participating** libraries [and college and university libraries] which meet standards for [depository] eligibility [as approved] **to be established** by the state library.

[181.120. In addition to the distribution of the publications as aforesaid, the library shall distribute two of the forty-five copies of each publication to the state archives for preservation and two copies to the state historical society.]

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