

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1347
92ND GENERAL ASSEMBLY

Reported from the Special Committee on General Laws, March 9, 2004, with recommendation that the House Committee Substitute for House Bill No. 1347 Do Pass by Consent.

Taken up for Perfection March 17, 2004. House Committee Substitute for House Bill No. 1347 ordered Perfected and Printed by Consent.

STEPHEN S. DAVIS, Chief Clerk

4334L.02P

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
2 181.130, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 37.310, 37.320, 37.360, 181.021, 181.022, 181.100, 181.110, and 181.130, to read as
4 follows:

37.310. A "Forms Management Unit", is hereby established within the office of
2 administration. The unit shall develop a forms management program for state agencies, and shall
3 implement the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to [181.120]
4 **181.110**, RSMo. Each agency shall fully cooperate with the unit, and shall furnish all requested
5 information and assistance.

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

5 2. The director shall appoint such staff as may be necessary to implement the provisions

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

6 of sections 37.300 to 37.390, 109.250 and 181.100 to [181.120] **181.110**, RSMo. All staff
7 members shall be appointed pursuant to the provisions of chapter 36, RSMo.

8 3. The director shall also serve as an additional voting member of the state records
9 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
2 branches of government, and to those agencies of the executive branch which are otherwise
3 excepted from the provisions of sections 37.300 to 37.390, 109.250 and 181.100 to [181.120]
4 **181.110**, RSMo.

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

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

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

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

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

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

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

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

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

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

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

181.022. 1. The secretary of state shall create the "Secretary's Council on Library

2 **Development" to advise the secretary of state and the state library on matters that relate**
3 **to the state's libraries and library service to Missouri citizens, to recommend to the**
4 **secretary of state and the state library policies and programs relating to libraries in the**
5 **state, and to communicate the value of libraries.**

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

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

181.100. 1. [As used in sections 181.100 to 181.120, "state publications" shall include
2 all multiple-produced publications of state agencies, regardless of format or purpose, with the
3 exception of correspondence and interoffice memoranda.] **As used in sections 181.100 to**
4 **181.130 the following terms shall mean, unless the context requires otherwise:**

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

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

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

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

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

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

21 **2. Other provisions of law to the contrary notwithstanding, all state agencies required**
22 **to issue and distribute multiple-produced annual, biannual, or periodic reports shall distribute**
23 **such reports without charge only to those persons and offices listed in subsection 4 of this**
24 **section. For the purposes of sections 181.100 to 181.120, the word "report" means a state**
25 **publication which is either a printed statement by a state agency, issued at specific intervals,**
26 **which describes its operations and progress, and possibly contains a statement of its future plans;**

27 or a formal, written account of an investigation given by a person or group delegated to make the
28 investigation. Such reports shall not be distributed to any other person, including members of
29 the general assembly, state officeholders, other state agencies, divisions or departments, or to
30 members of the public, except upon request.

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

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

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

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

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

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

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

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

21 (1) **The secretary, through the state library, shall provide a secure electronic**

22 repository of state publications. Access to the state publications in the repository shall be
23 provided through multiple methods of access, including the statewide online library catalog
24 and a publicly accessible electronic network;

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

28 (3) The secretary shall set by administrative rule the electronic formats acceptable
29 for submission of publications to the electronic repository;

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

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

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

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

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

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

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

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

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

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

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

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

60 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
61 **that is created under the authority delegated in this chapter shall become effective only if**
62 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
63 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
64 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
65 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
66 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
67 **adopted after August 28, 2004, shall be invalid and void.**

 181.130. The state library may enter into [depository] agreements with [public]
2 **participating** libraries [and college and university libraries] which meet standards for
3 [depository] eligibility [as approved] **to be established** by the state library.
4

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