

SECOND REGULAR SESSION

# HOUSE BILL NO. 2133

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALFERMAN.

5931H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 181.022, 181.100, 181.110, 181.130, and 182.900, RSMo, and to enact in lieu thereof three new sections relating to libraries.

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

Section A. Sections 181.022, 181.100, 181.110, 181.130, and 182.900, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be known as sections 181.022,  
3 181.100, and 182.900, to read as follows:

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 to the  
3 state's libraries and library service to Missouri citizens, to recommend to the secretary of state  
4 and the state library policies and programs relating to libraries in the state, and to communicate  
5 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 appointed by  
9 the secretary of state, to include ~~[members of the house of representatives, members of the~~  
10 ~~senate,]~~ representatives of the public and of libraries, trustees of Missouri libraries, and users of  
11 the state libraries. **Members of the house of representatives, members of the senate, and the**  
12 **state librarian shall serve as exofficio members of the council.**

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

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

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

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

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

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

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

15 **(5) "Report", a state publication which is either a statement by a state agency,  
16 issued at specific intervals, which describes its operations and progress, and possibly  
17 contains a statement of its future plans or a formal, written account of an investigation  
18 given by a person or group delegated to make the investigation;**

19 (6) "State publications access program", a program to provide access to state publications  
20 for all citizens of Missouri through a secure repository of electronic publications available to the  
21 public through electronic networks ~~[and print collections located in libraries throughout  
22 Missouri].~~

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

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

37 ~~——4.] Each agency of state government which distributes annual, biannual, or periodic  
38 reports printed in paper shall provide such copies of each such document free of charge to the  
39 state library as the state library shall specify[, along with a statement of the cost and address  
40 where additional copies of such report may be requested]. Two copies of all reports shall be~~

41 provided to the legislative library, one copy to the chief clerk of the house of representatives, one  
42 copy to the secretary of the senate, one copy to the supreme court library and one copy to the  
43 governor.

44 **4. For the purpose of providing the services described in this section, each agency**  
45 **shall have the following responsibilities and powers:**

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

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

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

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

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

59 **(2) To set by administrative rule the electronic formats acceptable for submission**  
60 **of publications to the electronic repository; and**

61 **(3) May issue and promulgate rules to enforce, implement, and effectuate the**  
62 **powers and duties established in this section.**

63 **6. For the purpose of providing the services described in this section, the state**  
64 **library shall administer the electronic repository of state publications for access by the**  
65 **citizens of Missouri, to be performed in a manner consistent with e-government.**

66 **7. All responsibilities and powers set out in this section shall be carried out**  
67 **consistent with the provisions of section 161.935.**

68 **8. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
69 **created under the authority delegated in this chapter shall become effective only if it**  
70 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
71 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
72 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
73 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
74 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**  
75 **shall be invalid and void.**

182.900. Any city in this state may maintain from its own resources a free public library without the levy or collection of a tax specifically designated for the support and maintenance of such library. The governing body of the city may act as the library board for the library and may designate city officers and employees to serve in other capacities related to the operation of the library. The governing body of the city may accept from any sources property or funds to be utilized for the establishment, maintenance and support of the library. Any city **not already served by a county or other established library district as established under sections 182.010 to 182.802 and** maintaining from its own resources a free public library without the levy or collection of a tax specifically designated for the support and maintenance of such library shall be eligible for state aid to public libraries under the provisions of chapter 181 if the support provided by the city for the public library is at least equal to the amount of revenue which would be realized by a tax of one mill if the library had been tax supported.

~~[181.110. 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) Through the state library, to 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) To 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) To set by administrative rule the electronic formats acceptable for submission of publications to the electronic repository;~~

~~(4) 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) To administer the electronic repository of state publications for access by the citizens of Missouri, and receive and distribute publications in other~~

29 ~~formats, which will be housed and made available to the public by the~~  
30 ~~participating libraries;~~

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

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

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

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

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

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

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

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

50 ~~----- 5. All responsibilities and powers set out in this section shall be carried~~  
51 ~~out consistent with the provisions of section 161.935.~~

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

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

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