

FIRST REGULAR SESSION

# HOUSE BILL NO. 605

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PIERSON.

1534L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 181.100, 181.110, and 181.130, RSMo, and to enact in lieu thereof two new sections relating to the distribution of state publications.

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

Section A. Sections 181.100, 181.110, and 181.130, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 181.100 and 181.110, to read as follows:

181.100. 1. As used in sections 181.100 to [181.130] **181.110** 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, nonprofit organizations or broad distribution to the public, including publications issued electronically or in other formats;

[(6)] (5) "State publications access program", a program to provide access to state publications for all citizens of Missouri through a secure repository of electronic publications

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.

17 available to the public through electronic networks [and print collections located in libraries  
18 throughout Missouri].

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

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

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

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

3         (1) To submit to the state library electronically each publication created by the agency  
4 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 and published  
7 in paper, to supply the number of copies [for participating libraries] as determined by the  
8 secretary of state;

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

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

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

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

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

21 [(4)] (3) May issue and promulgate rules to enforce, implement and effectuate the powers  
22 and duties established in sections 181.100 to [181.130] **181.110**.

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

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

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

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

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

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

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

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

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

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

46 [5.] 4. All responsibilities and powers set out in this section shall be carried out  
47 consistent with the provisions of section 161.935.

48 [6.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
49 created under the authority delegated in this chapter shall become effective only if it complies  
50 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
51 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
52 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
53 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
54 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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  
library.]

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