

By: Shapleigh

S.B. No. 1154

A BILL TO BE ENTITLED

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AN ACT

relating to state publications maintained by the Texas State Library and Archives Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivisions (2) and (4), Section 441.101, Government Code, are amended to read as follows:

(2) "Depository library" means the Texas State Library, the Legislative Reference Library, the Library of Congress, the Center for Research Libraries, or any other library that the commission designates as a site for retaining and allowing public access to state publications [~~depository library~~].

(4) "State publication":

(A) means information in any format, including materials in print or in an electronic format, that:

(i) is produced by the authority of or at the total or partial expense of a state agency or is required to be distributed under law by the agency; and

(ii) is publicly distributed outside the agency by or for the agency; and

(B) does not include information the distribution of which is limited to:

(i) contractors with or grantees of the agency;

(ii) persons within the agency or within

1 other government agencies; or

2 (iii) members of the public under a request
3 made under the open records law, Chapter 552.

4 SECTION 2. Subsection (c), Section 441.102, Government
5 Code, is amended to read as follows:

6 (c) The commission shall establish and maintain a system,
7 named the "Texas Records and Information Locator," or "TRAIL," to
8 allow electronic access, including access through the Internet, at
9 the Texas State Library and other depository libraries to state
10 publications in an electronic format that have been made available
11 to the public by or on behalf of a state agency.

12 SECTION 3. Section 441.103, Government Code, is amended by
13 amending Subsections (a) and (b) and adding Subsections (f), (g),
14 and (h) to read as follows:

15 (a) A state agency shall designate one or more staff persons
16 as agency publications liaisons [~~contact persons~~] and shall notify
17 the Texas State Library of those persons' identities. A
18 publications liaison [~~contact person~~] shall maintain a record of
19 the agency's state publications and shall furnish to the Texas
20 State Library a list of the agency's new state publications as they
21 become available.

22 (b) A state agency shall furnish copies of its printed state
23 publications to the Texas State Library in the number specified by
24 commission rules. On the printing of or awarding of a contract for
25 the printing of a publication, a state agency shall arrange for the
26 required number of copies to be deposited with the Texas State
27 Library. The commission may not require more than 75 copies of a

1 printed state publication.

2 (f) A state agency shall make its printed state publications
3 accessible from the state agency's website in an electronic format.
4 If the state agency does not have a website, the agency shall
5 deposit the electronic source file for each printed state
6 publication in the manner prescribed by commission rules.

7 (g) A state agency shall include, for any state publication
8 in electronic format, regardless of its availability through the
9 Internet, identifying and descriptive information about the state
10 publication as specified by commission and Department of
11 Information Resources rules.

12 (h) If an electronic state publication is not printed or
13 available from the state agency's website, the state agency shall
14 furnish the Texas State Library copies in a manner prescribed by
15 commission rules. The commission may not require more than 75
16 copies of the publication.

17 SECTION 4. Section 441.104, Government Code, is amended to
18 read as follows:

19 Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas
20 State Library shall:

21 (1) acquire, organize, [~~and~~] retain, and provide
22 access to state publications;

23 (2) collect state publications and distribute them to
24 depository libraries;

25 (3) establish a [~~microform~~] program for the
26 preservation and management of state publications and make
27 available state publications in alternative formats [~~microform~~] to

1 depository libraries and other libraries at a reasonable cost;

2 (4) periodically issue a list of all state
3 publications that it has received in print or storage media to all
4 depository libraries and other libraries on request;

5 (5) catalog, classify, and index all state
6 publications that it receives and distribute the cataloging,
7 classification, and indexing information to depository libraries
8 and to other libraries on request;

9 (6) ensure that state publications are fully
10 represented in regional and national automated library networks;

11 (7) index all state publications that are available on
12 the Internet [~~in an electronic format~~] and make the index available
13 on the Internet [~~in an electronic format~~]; and

14 (8) [~~provide on-line access to state publications that~~
15 ~~can be accessed on-line; and~~

16 [~~9~~] provide other depository libraries appropriate
17 access, at no charge, to state publications available in an
18 electronic format.

19 SECTION 5. Section 441.106, Government Code, is amended to
20 read as follows:

21 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.
22 If a state agency's printing is done by contract, an account for the
23 printing may not be approved and a warrant may not be issued unless
24 the agency first furnishes to the Texas Building and Procurement
25 [~~State Purchasing and General Services~~] Commission a receipt from
26 the state librarian for the publication or a written waiver from the
27 state librarian exempting the publication from this subchapter.

1 SECTION 6. This Act takes effect September 1, 2003.