By: Shapleigh S.B. No. 1270

A BILL TO BE ENTITLED

AN ACT

relating to the online availability of state agency reports required by law.

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

SECTION 1. Section 441.101(4), Government Code, is amended to read as follows:

(4) "State publication":

(A) means information in any format, including materials in a physical format 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 other government agencies<u>, except the term does include information that is required by law to be distributed to the legislature or to the presiding officers of the legislature</u>; or

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

SECTION 2. Section 441.103, Government Code, is amended by amending Subsections (c) and (g) and adding Subsection (h) to read as follows:

(c) On the release of a state publication in an electronic format and for the purpose of further distribution of the publication, a state agency shall provide the Texas State Library:

(1) on-line access to the publication; [~~or~~]

(2) copies of the publication on an electronic storage device in the number of copies prescribed by the commission but not to exceed 75; or

(3) a copy of the publication in an electronic format consistent with Section 2052.0021(c) if the publication is a report required by law.

(g) If an electronic state publication is not printed or available from the state agency's website, the state agency shall furnish the Texas State Library copies in a manner prescribed by commission rules, except that the state agency shall provide reports required by law in an electronic format consistent with Section 2052.0021(c). The commission may not require more than 75 printed copies of the publication.

(h) A state agency shall make available to the commission in an electronic format consistent with Section 2052.0021(c) each report required by law.

SECTION 3. Section 441.104, Government Code, is amended to read as follows:

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

(1) acquire, organize, retain, and provide access to state publications;

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

(3) establish a program for the preservation and management of state publications and make available state publications in alternative formats to depository libraries and other libraries at a reasonable cost;

(4) periodically issue a list of all state publications that it has received in a physical format to all depository libraries and other libraries on request;

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

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

(7) index all state publications that are available through the Internet and make the index available through the Internet; [~~and~~]

(8) provide other depository libraries appropriate access, at no charge, to state publications available in an electronic format; and

(9) establish and maintain an index of all current state agency reports required by law and provide electronic access to both the index and the text of the reports through a link on the home page of the Texas Records and Information Locator (TRAIL)

established under Section 441.102(c).

SECTION 4. Section 441.105, Government Code, is amended to read as follows:

Sec. 441.105. EXEMPT PUBLICATIONS. The state librarian may specifically exempt a publication or a distribution format from this subchapter, except the state librarian may not exempt a report required by law that is governed by Section 441.103(h).

SECTION 5. This Act takes effect January 1, 2010.