

1-1 By: Shapleigh S.B. No. 1270
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 1, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the online availability of state agency reports
1-9 required by law.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subdivision (4), Section 441.101, Government
1-12 Code, is amended to read as follows:

1-13 (4) "State publication":

1-14 (A) means information in any format, including
1-15 materials in a physical format or in an electronic format, that:

1-16 (i) is produced by the authority of or at
1-17 the total or partial expense of a state agency or is required to be
1-18 distributed under law by the agency; and

1-19 (ii) is publicly distributed outside the
1-20 agency by or for the agency; and

1-21 (B) does not include information the
1-22 distribution of which is limited to:

1-23 (i) contractors with or grantees of the
1-24 agency;

1-25 (ii) persons within the agency or within
1-26 other government agencies, except the term does include information
1-27 that is required by law to be distributed to the legislature or to
1-28 the presiding officers of the legislature; or

1-29 (iii) members of the public under a request
1-30 made under the open records law, Chapter 552.

1-31 SECTION 2. Section 441.103, Government Code, is amended by
1-32 amending Subsections (c) and (g) and adding Subsection (h) to read
1-33 as follows:

1-34 (c) On the release of a state publication in an electronic
1-35 format and for the purpose of further distribution of the
1-36 publication, a state agency shall provide the Texas State Library:

1-37 (1) on-line access to the publication; ~~[or]~~

1-38 (2) copies of the publication on an electronic
1-39 ~~[external]~~ storage device in the number of copies prescribed by the
1-40 commission but not to exceed 75; or

1-41 (3) a copy of the publication in an electronic format
1-42 consistent with Section 2052.0021(c) if the publication is a report
1-43 required by law.

1-44 (g) If an electronic state publication is not printed or
1-45 available from the state agency's website, the state agency shall
1-46 furnish the Texas State Library copies in a manner prescribed by
1-47 commission rules, except that the state agency shall provide
1-48 reports required by law in an electronic format consistent with
1-49 Section 2052.0021(c). The commission may not require more than 75
1-50 printed copies of the publication.

1-51 (h) A state agency shall make available to the commission in
1-52 an electronic format consistent with Section 2052.0021(c) each
1-53 report required by law.

1-54 SECTION 3. Section 441.104, Government Code, is amended to
1-55 read as follows:

1-56 Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas
1-57 State Library shall:

1-58 (1) acquire, organize, retain, and provide access to
1-59 state publications;

1-60 (2) collect state publications and distribute them to
1-61 depository libraries;

1-62 (3) establish a program for the preservation and
1-63 management of state publications and make available state
1-64 publications in alternative formats to depository libraries and

2-1 other libraries at a reasonable cost;

2-2 (4) periodically issue a list of all state

2-3 publications that it has received in a physical format to all

2-4 depository libraries and other libraries on request;

2-5 (5) catalog, classify, and index all state

2-6 publications that it receives and distribute the cataloging,

2-7 classification, and indexing information to depository libraries

2-8 and to other libraries on request;

2-9 (6) ensure that state publications are fully

2-10 represented in regional and national automated library networks;

2-11 (7) index all state publications that are available

2-12 through the Internet and make the index available through the

2-13 Internet; ~~and~~

2-14 (8) provide other depository libraries appropriate

2-15 access, at no charge, to state publications available in an

2-16 electronic format; and

2-17 (9) establish and maintain an index of all current

2-18 state agency reports required by law and provide electronic access

2-19 to both the index and the text of the reports through a link on the

2-20 home page of the Texas Records and Information Locator (TRAIL)

2-21 established under Section 441.102(c).

2-22 SECTION 4. Section 441.105, Government Code, is amended to

2-23 read as follows:

2-24 Sec. 441.105. EXEMPT PUBLICATIONS. The state librarian may

2-25 specifically exempt a publication or a distribution format from

2-26 this subchapter, except the state librarian may not exempt a report

2-27 required by law that is governed by Section 441.103(h).

2-28 SECTION 5. This Act takes effect January 1, 2010.

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