

SECOND REGULAR SESSION

SENATE BILL NO. 798

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 13, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5432S.011

AN ACT

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

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Section A. Sections 181.022, 181.100, 181.110, 181.130, and 182.900, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 181.022, 181.100, 181.110, and 182.900, to read as follows:

181.022. 1. The secretary of state shall create the "Secretary's Council on Library Development" to advise the secretary of state and the state library on matters that relate to the state's libraries and library service to Missouri citizens, to recommend to the secretary of state and the state library policies and programs relating to libraries in the state, and to communicate the value of libraries.

2. Members of the secretary's council on library development shall serve three-year terms, to be served on a rotating basis as shall be established by the secretary of state.

3. The members of the secretary's council on library development shall be appointed by the secretary of state, to include [members of the house of representatives, members of the senate,] representatives of the public and of libraries, trustees of Missouri libraries, and users of the state libraries, **as well as members of the house of representatives, members of the senate, and the state librarian, who shall serve as ex-officio members of the council.**

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;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

17 [(6)] (5) "State publications access program", a program to provide access
18 to state publications for all citizens of Missouri through a secure repository of
19 electronic publications available to the public through electronic networks [and
20 print collections located in libraries throughout Missouri].

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

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

38 4.] Each agency of state government which distributes annual, biannual,
39 or periodic reports printed in paper shall provide such copies of each such
40 document free of charge to the state library as the state library shall specify[,]

41 along with a statement of the cost and address where additional copies of such
42 report may be requested]. Two copies of all reports shall be provided to the
43 legislative library, one copy to the chief clerk of the house of representatives, one
44 copy to the secretary of the senate, one copy to the supreme court library and one
45 copy to the governor.

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

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

9 [(4)] (3) To assign a designee as a contact for the state publications
10 access program and forward this information to the secretary of state [annually].

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

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

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

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

22 [(4)] (3) May issue and promulgate rules to enforce, implement and
23 effectuate the powers and duties established in sections 181.100 to [181.130]
24 **181.110.**

25 3. For the purpose of providing the services described in this section, the
26 state library shall [have the following responsibilities, all] **administer the**
27 **electronic repository of state publications for access by the citizens of**
28 **Missouri**, to be performed in a manner consistent with e-government[:

29 (1) To administer the electronic repository of state publications for access
30 by the citizens of Missouri, and receive and distribute publications in other
31 formats, which will be housed and made available to the public by the

32 participating libraries;

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

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

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

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

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

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

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

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

52 [5.] 4. All responsibilities and powers set out in this section shall be
53 carried out consistent with the provisions of section 161.935.

54 [6.] 5. Any rule or portion of a rule, as that term is defined in section
55 536.010, that is created under the authority delegated in this chapter shall
56 become effective only if it complies with and is subject to all of the provisions of
57 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
58 nonseverable and if any of the powers vested with the general assembly pursuant
59 to chapter 536 to review, to delay the effective date, or to disapprove and annul
60 a rule are subsequently held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28, 2004, shall be
62 invalid and void.

182.900. Any city in this state may maintain from its own resources a free
2 public library without the levy or collection of a tax specifically designated for the
3 support and maintenance of such library. The governing body of the city may act
4 as the library board for the library and may designate city officers and employees
5 to serve in other capacities related to the operation of the library. The governing

6 body of the city may accept from any sources property or funds to be utilized for
7 the establishment, maintenance and support of the library. Any city, **not**
8 **already served by a county or other established library district as**
9 **established under sections 182.010 to 182.802**, maintaining from its own
10 resources a free public library without the levy or collection of a tax specifically
11 designated for the support and maintenance of such library shall be eligible for
12 state aid to public libraries under the provisions of chapter 181 if the support
13 provided by the city for the public library is at least equal to the amount of
14 revenue which would be realized by a tax of one mill if the library had been tax
15 supported.

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

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Bill

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