

ENROLLED SENATE  
BILL NO. 1697

By: Anderson and Johnson  
(Constance) of the Senate

and

Murphey and Pittman of the  
House

An Act relating to public libraries; amending 65 O.S. 2001, Sections 3-113.1, 3-113.3 and 3-114, which relate to state publications; stating legislative intent; modifying duties of Publications Clearinghouse; providing that requirement to deposit copies of publications not apply if published in electronic format; specifying certain duties of state agencies; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 65 O.S. 2001, Section 3-113.1, is amended to read as follows:

Section 3-113.1 A. The Publications Clearinghouse is hereby created as a unit of the Oklahoma Department of Libraries. The Publications Clearinghouse shall be directed by the Director of the Department of Libraries. The Director shall ~~adopt~~ promulgate rules ~~and regulations~~ necessary to implement the functions and duties of the Publications Clearinghouse as provided for by law.

B. It is the intent of the Legislature that state agencies issue publications in an electronic format whenever possible, unless such issuance would interfere with the availability to the public of such publications and the information contained therein. It is the further intent of the Legislature that the Publications

Clearinghouse and the Oklahoma Department of Libraries disseminate links to or other means by which to access publications to the same recipients required by law to receive copies or who have traditionally received copies of publications not published in an electronic format. A directory of the links to the publications shall be prominently featured on the ok.gov portal.

SECTION 2. AMENDATORY 65 O.S. 2001, Section 3-113.3, is amended to read as follows:

Section 3-113.3 The Publications Clearinghouse shall have the following duties:

1. To establish a state publications depository library system for the use of the citizens of this state; ~~and~~

2. ~~To~~ Other than publications issued in an electronic format, to collect state publications from every agency and to retain and preserve permanently a minimum of two copies of ~~said~~ the publications; ~~and~~

3. For publications issued in an electronic format, to electronically retain and preserve permanently such publications or the information contained therein, and to facilitate free public access to such publications or information;

4. To enter into contracts with other libraries within this state whereby the Publications Clearinghouse designates the contracting library to be a depository library for the Oklahoma Department of Libraries and agrees to distribute copies of state publications deposited with the Publications Clearinghouse to ~~said~~ the depository library, and the contracting library agrees to receive and maintain the collection of ~~said~~ publications and not to dispose of ~~said~~ publications without prior approval of the Publications Clearinghouse, to provide adequate facilities for the storage and use of the publications, and to provide free access to the publications for the use of its patrons; ~~and~~

~~4-~~ 5. To determine the necessity of and to make arrangements for the conversion of state publications to microform or electronic formats and to establish a system to assure the availability of ~~said~~

~~microform~~ such publications for distribution to designated depository libraries; ~~and~~

~~5-~~ 6. To prepare and publish official lists of state publications and to distribute ~~said~~ the lists to all contracting depository libraries, other libraries within this state, and every agency; ~~and~~

~~6-~~ 7. ~~To~~ For publications not published in an electronic format, to determine the quantity of each publication of an agency to a maximum of twenty-five copies required to meet the needs of the state publications depository library system and to notify each agency of the required quantity; ~~and~~

~~7-~~ 8. To distribute copies of state publications not published in an electronic format as follows:

- a. One copy to the United States Library of Congress,
- b. Two copies for the collection of state publications within the Publications Clearinghouse, and
- c. Selected copies to each depository library; ~~and~~

~~8-~~ 9. To receive for use and for exchange purposes a maximum of fifty copies of all state legal publications not published in an electronic format, including bar journals and official reports of decisions, codes, opinions, rules and regulations, and ~~one hundred ten~~ sixty copies of Oklahoma Statutes, Oklahoma Statute Supplements, and Oklahoma Session Laws; and

~~-~~ 10. To compile and maintain a permanent record of state publications.

SECTION 3. AMENDATORY 65 O.S. 2001, Section 3-114, is amended to read as follows:

Section 3-114. A. Every agency except institutions of higher education, but specifically including any board of regents for higher education, which issues a state publication shall immediately deposit a maximum of twenty-five copies with the Publications Clearinghouse; provided, the provisions of this section shall not

apply to a publication which is published in an electronic format and made available to the public on the website of the issuing agency. Any agency issuing a publication which is published in an electronic format shall notify the Publications Clearinghouse and provide and maintain a link to the electronic version of the publication.

B. Upon failure of an agency to comply with the provisions of this section, the Director of the Department of Libraries shall forward a written notice of the failure to the chief administrative officer of the agency. The notice shall state a reasonable time, not to exceed thirty (30) days, in which the agency shall fully comply. Further failure to comply shall be reported in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Attorney General. The Attorney General shall immediately institute mandamus proceedings to secure compliance by ~~said~~ the agency.

SECTION 4. This act shall become effective November 1, 2010.

Passed the Senate the 5th day of May, 2010.

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Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2010.

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Presiding Officer of the House  
of Representatives