

THE HOUSE OF REPRESENTATIVES
Wednesday, March 24, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 1697

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1697 - By:
ANDERSON of the Senate and MURPHEY 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:

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

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

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

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

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

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

- 10 1. To establish a state publications depository library system for the use of the
11 citizens of this state; ~~and~~
- 12 2. ~~To~~ Other than publications issued in an electronic format, to collect state
13 publications from every agency and to retain and preserve permanently a minimum of
14 two copies of said the publications; and
- 15 3. For publications issued in an electronic format, to electronically retain and
16 preserve permanently such publications or the information contained therein, and to
17 facilitate free public access to such publications or information;
- 18 4. To enter into contracts with other libraries within this state whereby the
19 Publications Clearinghouse designates the contracting library to be a depository library
20 for the Oklahoma Department of Libraries and agrees to distribute copies of state
21 publications deposited with the Publications Clearinghouse to said the depository library,
22 and the contracting library agrees to receive and maintain the collection of said

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 publications and not to dispose of ~~said~~ publications without prior approval of the
2 Publications Clearinghouse, to provide adequate facilities for the storage and use of the
3 publications, and to provide free access to the publications for the use of its patrons; ~~and~~

4 ~~4. 5.~~ To determine the necessity of and to make arrangements for the conversion of
5 state publications to microform or electronic formats and to establish a system to assure
6 the availability of ~~said microform~~ such publications for distribution to designated
7 depository libraries; ~~and~~

8 ~~5. 6.~~ To prepare and publish official lists of state publications and to distribute ~~said~~
9 the lists to all contracting depository libraries, other libraries within this state, and every
10 agency; ~~and~~

11 ~~6. 7. To~~ For publications not published in an electronic format, to determine the
12 quantity of each publication of an agency to a maximum of twenty-five copies required to
13 meet the needs of the state publications depository library system and to notify each
14 agency of the required quantity; ~~and~~

15 ~~7. 8.~~ To distribute copies of state publications not published in an electronic format
16 as follows:

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

21 ~~8. 9.~~ To receive for use and for exchange purposes a maximum of fifty copies of all
22 state legal publications not published in an electronic format, including bar journals and

1 official reports of decisions, codes, opinions, rules and regulations, and ~~one hundred ten~~
2 sixty copies of Oklahoma Statutes, Oklahoma Statute Supplements, and Oklahoma
3 Session Laws; and

4 ~~9.~~ 10. To compile and maintain a permanent record of state publications.

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

7 Section 3-114. A. Every agency except institutions of higher education, but
8 specifically including any board of regents for higher education, which issues a state
9 publication shall immediately deposit a maximum of twenty-five copies with the
10 Publications Clearinghouse; provided, the provisions of this section shall not apply to a
11 publication which is published in an electronic format and made available to the public
12 on the web site of the issuing agency. Any agency issuing a publication which is
13 published in an electronic format shall notify the Publications Clearinghouse and provide
14 and maintain a link to the electronic version of the publication.

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION,
3 dated 03-23-10 - DO PASS, As Amended.