

3 Senate Bill No. 1697

4 SENATE BILL NO. 1697 - By: Anderson of the Senate and Murphey of the  
5 House.

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

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

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

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

22 B. It is the intent of the Legislature that state agencies  
23 issue publications in an electronic format whenever possible, unless  
24 such issuance would interfere with the availability to the public of  
25 such publications and the information contained therein. It is the  
26 further intent of the Legislature that the Publications  
27 Clearinghouse and the Oklahoma Department of Libraries disseminate

1 links to or other means by which to access publications to the same  
2 recipients required by law to receive copies or who have  
3 traditionally received copies of publications not published in an  
4 electronic format.

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

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

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

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

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

19 4. To enter into contracts with other libraries within this  
20 state whereby the Publications Clearinghouse designates the  
21 contracting library to be a depository library for the Oklahoma  
22 Department of Libraries and agrees to distribute copies of state  
23 publications deposited with the Publications Clearinghouse to ~~said~~

1 the depository library, and the contracting library agrees to  
2 receive and maintain the collection of ~~said~~ publications and not to  
3 dispose of ~~said~~ publications without prior approval of the  
4 Publications Clearinghouse, to provide adequate facilities for the  
5 storage and use of the publications, and to provide free access to  
6 the publications for the use of its patrons; ~~and~~

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

12 ~~5-~~ 6. To prepare and publish official lists of state  
13 publications and to distribute ~~said~~ the lists to all contracting  
14 depository libraries, other libraries within this state, and every  
15 agency; ~~and~~

16 ~~6-~~ 7. ~~To~~ For publications not published in an electronic  
17 format, to determine the quantity of each publication of an agency  
18 to a maximum of twenty-five copies required to meet the needs of the  
19 state publications depository library system and to notify each  
20 agency of the required quantity; ~~and~~

21 ~~7-~~ 8. To distribute copies of state publications not published  
22 in an electronic format as follows:

23 a. One copy to the United States Library of Congress,

1           b. Two copies for the collection of state publications  
2           within the Publications Clearinghouse, and

3           c. Selected copies to each depository library; ~~and~~

4       ~~8-~~ 9. To receive for use and for exchange purposes a maximum of  
5 fifty copies of all state legal publications not published in an  
6 electronic format, including bar journals and official reports of  
7 decisions, codes, opinions, rules and regulations, and one hundred  
8 ten copies of Oklahoma Statutes, Oklahoma Statute Supplements, and  
9 Oklahoma Session Laws; and

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

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

14       Section 3-114. A. Every agency except institutions of higher  
15 education, but specifically including any board of regents for  
16 higher education, which issues a state publication shall immediately  
17 deposit a maximum of twenty-five copies with the Publications  
18 Clearinghouse; provided, the provisions of this section shall not  
19 apply to a publication which is published in an electronic format  
20 and made available to the public on the web site of the issuing  
21 agency. Any agency issuing a publication which is published in an  
22 electronic format shall notify the Publications Clearinghouse and  
23 provide a link to the electronic version of the publication.

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

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

12           COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-8-10 -  
13           DO PASS, As Coauthored.