

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1697

By: Anderson

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5  
6 AS INTRODUCED

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

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

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

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

24 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

1 such publications and the information contained therein. It is the  
2 further intent of the Legislature that the Publications  
3 Clearinghouse and the Oklahoma Department of Libraries disseminate  
4 links to or other means by which to access publications to the same  
5 recipients required by law to receive copies or who have  
6 traditionally received copies of publications not published in an  
7 electronic format.

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

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

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

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

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

22 4. To enter into contracts with other libraries within this  
23 state whereby the Publications Clearinghouse designates the  
24 contracting library to be a depository library for the Oklahoma

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

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

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

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

23 ~~7.~~ 8. To distribute copies of state publications not published  
24 in an electronic format as follows:

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

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

4 c. Selected copies to each depository library; and

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

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

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

15 Section 3-114. A. Every agency except institutions of higher  
16 education, but specifically including any board of regents for  
17 higher education, which issues a state publication shall immediately  
18 deposit a maximum of twenty-five copies with the Publications  
19 Clearinghouse; provided, the provisions of this section shall not  
20 apply to a publication which is published in an electronic format  
21 and made available to the public on the web site of the issuing  
22 agency. Any agency issuing a publication which is published in an  
23 electronic format shall notify the Publications Clearinghouse and  
24 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.

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