

1-1 By: Shapleigh S.B. No. 1154
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Government Organization;
1-4 May 2, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 2, 2003, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1154 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to state publications maintained by the Texas State
1-11 Library and Archives Commission.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivisions (2) and (4), Section 441.101,
1-14 Government Code, are amended to read as follows:

1-15 (2) "Depository library" means the Texas State
1-16 Library, the Legislative Reference Library, the Library of
1-17 Congress, the Center for Research Libraries, or any other library
1-18 that the commission designates as a site for retaining and allowing
1-19 public access to state publications ~~[depository library]~~.

1-20 (4) "State publication":

1-21 (A) means information in any format, including
1-22 materials in print or in an electronic format, that:

1-23 (i) is produced by the authority of or at
1-24 the total or partial expense of a state agency or is required to be
1-25 distributed under law by the agency; and

1-26 (ii) is publicly distributed outside the
1-27 agency by or for the agency; and

1-28 (B) does not include information the
1-29 distribution of which is limited to:

1-30 (i) contractors with or grantees of the
1-31 agency;

1-32 (ii) persons within the agency or within
1-33 other government agencies; or

1-34 (iii) members of the public under a request
1-35 made under the open records law, Chapter 552.

1-36 SECTION 2. Subsection (c), Section 441.102, Government
1-37 Code, is amended to read as follows:

1-38 (c) The commission shall establish and maintain a system,
1-39 named the "Texas Records and Information Locator," or "TRAIL," to
1-40 allow electronic access, including access through the Internet, at
1-41 the Texas State Library and other depository libraries to state
1-42 publications in an electronic format that have been made available
1-43 to the public by or on behalf of a state agency.

1-44 SECTION 3. Section 441.103, Government Code, is amended by
1-45 amending Subsections (a) and (b) and adding Subsections (f), (g),
1-46 and (h) to read as follows:

1-47 (a) A state agency shall designate one or more staff persons
1-48 as agency publications liaisons ~~[contact persons]~~ and shall notify
1-49 the Texas State Library of those persons' identities. A
1-50 publications liaison ~~[contact person]~~ shall maintain a record of
1-51 the agency's state publications and shall furnish to the Texas
1-52 State Library a list of the agency's new state publications as they
1-53 become available.

1-54 (b) A state agency shall furnish copies of its printed state
1-55 publications to the Texas State Library in the number specified by
1-56 commission rules. On the printing of or awarding of a contract for
1-57 the printing of a publication, a state agency shall arrange for the
1-58 required number of copies to be deposited with the Texas State
1-59 Library. The commission may not require more than 75 copies of a
1-60 printed state publication.

1-61 (f) A state agency shall make its printed state publications
1-62 accessible from the state agency's website in an electronic format.
1-63 If the state agency does not have a website, the agency shall

2-1 deposit the electronic source file for each printed state
2-2 publication in the manner prescribed by commission rules.

2-3 (g) A state agency shall include, for any state publication
2-4 in electronic format, regardless of its availability through the
2-5 Internet, identifying and descriptive information about the state
2-6 publication as specified by commission and Department of
2-7 Information Resources rules.

2-8 (h) If an electronic state publication is not printed or
2-9 available from the state agency's website, the state agency shall
2-10 furnish the Texas State Library copies in a manner prescribed by
2-11 commission rules. The commission may not require more than 75
2-12 copies of the publication.

2-13 SECTION 4. Section 441.104, Government Code, is amended to
2-14 read as follows:

2-15 Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas
2-16 State Library shall:

2-17 (1) acquire, organize, [and] retain, and provide
2-18 access to state publications;

2-19 (2) collect state publications and distribute them to
2-20 depository libraries;

2-21 (3) establish a [microform] program for the
2-22 preservation and management of state publications and make
2-23 available state publications in alternative formats [microform] to
2-24 depository libraries and other libraries at a reasonable cost;

2-25 (4) periodically issue a list of all state
2-26 publications that it has received in print or storage media to all
2-27 depository libraries and other libraries on request;

2-28 (5) catalog, classify, and index all state
2-29 publications that it receives and distribute the cataloging,
2-30 classification, and indexing information to depository libraries
2-31 and to other libraries on request;

2-32 (6) ensure that state publications are fully
2-33 represented in regional and national automated library networks;

2-34 (7) index all state publications that are available on
2-35 the Internet [in an electronic format] and make the index available
2-36 on the Internet [in an electronic format]; and

2-37 (8) [provide on-line access to state publications that
2-38 can be accessed on-line; and

2-39 (9) provide other depository libraries appropriate
2-40 access, at no charge, to state publications available in an
2-41 electronic format.

2-42 SECTION 5. Section 441.106, Government Code, is amended to
2-43 read as follows:

2-44 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.
2-45 If a state agency's printing is done by contract, an account for the
2-46 printing may not be approved and a warrant may not be issued unless
2-47 the agency first furnishes to the Texas Building and Procurement
2-48 [State Purchasing and General Services] Commission a receipt from
2-49 the state librarian for the publication or a written waiver from the
2-50 state librarian exempting the publication from this subchapter.

2-51 SECTION 6. This Act takes effect September 1, 2003.

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