

**PRESERVATION OF AND ACCESS TO STATE
PUBLICATIONS**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Thomas V. Hatch

7	Cosponsors:	Steven R. Mascaró	Mark W. Walker
8	David N. Cox	Karen W. Morgan	Peggy Wallace
9	Janice M. Fisher		

LONG TITLE

General Description:

This bill modifies provisions of the State Library Division within the Department of Community and Culture related to its duties and responsibilities for providing access to and preserving state publications.

Highlighted Provisions:

This bill:

- ▶ requires the State Library Division to establish, operate, and maintain a digital library of state publications;
- ▶ requires state agencies and political subdivisions to deposit digital copies of their publications with the division;
- ▶ provides that state agencies may not remove state publications from public access unless digital copies of the publications have been deposited with the division; and
- ▶ eliminates distinctions between complete and selective depository libraries.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **9-7-101**, as last amended by Chapter 172, Laws of Utah 2001

32 **9-7-203**, as last amended by Chapter 256, Laws of Utah 2002

33 **9-7-207**, as renumbered and amended by Chapter 241, Laws of Utah 1992

34 **9-7-209**, as renumbered and amended by Chapter 241, Laws of Utah 1992

35 REPEALS AND REENACTS:

36 **9-7-208**, as last amended by Chapter 32, Laws of Utah 1995



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **9-7-101** is amended to read:

40 **9-7-101. Definitions.**

41 As used in this chapter:

42 (1) "Division" means the State Library Division.

43 (2) "Library board" means the library board of directors appointed locally as authorized
44 by Section 9-7-402 or 9-7-502 and which exercises general policy authority for library services
45 within a city or county of the state, regardless of the title by which it is known locally.

46 (3) "Physical format" means a transportable medium in which analog or digital
47 information is published, such as print, microform, magnetic disk, or optical disk.

48 [~~(3)~~] (4) "Policy" means the public library online access policy adopted by a library
49 board to meet the requirements of Section 9-7-215.

50 [~~(4)~~] (5) "Political subdivision" means [~~any~~] a county, city, town, school district, public
51 transit district, redevelopment agency, or special improvement or taxing district.

52 [~~(5)~~] (6) "State agency" means the state, [~~any~~] an office, department, agency, authority,
53 commission, board, institution, hospital, college, university, or other instrumentality of the
54 state.

55 [~~(6)~~] (7) (a) "State publication" means [~~any~~] a book, compilation, directory, document,
56 contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,
57 monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,
58 resolution, register, rule, report, statute, audiovisual material, electronic publication,

59 micrographic form and tape or disc recording regardless of format or method of reproduction,
60 issued or published by ~~[any]~~ a state agency or political subdivision for distribution.

61 (b) "State publication" does not include ~~[any]~~ correspondence, internal confidential
62 publications, office memoranda, university press publications, or publications of the state
63 historical society.

64 Section 2. Section **9-7-203** is amended to read:

65 **9-7-203. Division duties.**

66 The division shall:

67 (1) establish, operate, and maintain a state publications collection, a digital library of
68 state publications, a bibliographic control system, and depositories as provided in this part;

69 (2) cooperate with:

70 (a) other agencies to facilitate public access to government information through
71 electronic networks or other means;

72 ~~[(3) cooperate with]~~ (b) other state or national libraries or library agencies; and

73 ~~[(4) cooperate with]~~ (c) the federal government or agencies in accepting federal aid
74 whether in the form of funds or otherwise;

75 ~~[(5)]~~ (3) receive bequests, gifts, and endowments of money and deposit the funds with
76 the state treasurer to be placed in the State Library Donation Fund, which funds shall be held
77 for the purpose, if any, specifically directed by the donor; and

78 ~~[(6)]~~ (4) receive bequests, gifts, and endowments of property to be held, used, or
79 disposed of, as directed by the donor, with the approval of the Division of Finance.

80 Section 3. Section **9-7-207** is amended to read:

81 **9-7-207. Deposit of state publications.**

82 (1) (a) Each state agency and political subdivision publishing a digital version of a state
83 publication shall deposit a digital copy with the division.

84 (b) Each state agency and political subdivision shall deposit with the division copies of
85 each state publication [issued by the state agency] that it elects to publish in a physical format
86 in the numbers specified by the state librarian.

87 ~~[(b)]~~ (c) The division shall forward two copies of each state publication published in a
88 physical format deposited with it by a state agency to the Library of Congress, one copy to the
89 state archivist, at least one copy to each depository library, and retain two copies.

90 ~~[(2) (a) Each political subdivision shall deposit with the division two copies of each~~
91 ~~state publication issued by it.]~~

92 ~~[(b) The division shall forward one copy of each state publication deposited with it by~~
93 ~~a political subdivision to the state archivist and retain the other copy.]~~

94 ~~[(3)]~~ (2) Each state agency or political subdivision shall deposit with the division [two
95 copies of audiovisual materials and tape or disc recordings] a digital copy of each audio and
96 video publication or recording issued by it for bibliographic listing and retention in the [state
97 library collection] digital library.

98 (3) Each state agency or political subdivision shall deposit with the division copies of
99 audio and video publications or recordings issued by it in physical formats in the numbers
100 specified by the state librarian for bibliographic listing and retention in the state library
101 collection.

102 (4) (a) The division shall publish or make available to the public through electronic
103 networks a list of state agency publications.

104 (b) The list shall be published periodically and distributed to depository libraries and
105 the state archivist.

106 ~~[(4)]~~ (5) Materials the division considers not to be of major public interest will be
107 listed, but no copies will be required for deposit.

108 Section 4. Section **9-7-208** is repealed and reenacted to read:

109 **9-7-208. Digital library for permanent public access.**

110 (1) The division shall manage and maintain an online, web-accessible digital library for
111 state publications.

112 (2) The division shall provide for permanent public access to the publications in the
113 digital library.

114 (3) The library shall be accessible by agency, author, title, subject, keyword, and such
115 other means as provided by the division.

116 (4) (a) Each state agency publishing a digital version of a state publication shall deposit
117 a digital copy of the publication with the division.

118 (b) A state agency may not remove a state publication it posts to its public website until
119 a copy is deposited into the digital library for permanent public access.

120 Section 5. Section **9-7-209** is amended to read:

121 **9-7-209. Depository libraries.**

122 (1) Upon application, a library in this state may be designated as a [~~complete or~~
 123 ~~selective~~] depository library by the division.

124 (2) To be designated as a depository library, a library shall contract with the division
 125 to:

126 (a) provide adequate facilities for the storage and use of state publications[~~;~~];

127 (b) render reasonable service without charge to patrons[~~;~~]; and [~~to~~]

128 (c) provide reasonable access to state publications.

129 (3) A [~~complete~~] depository library shall receive at least one copy of all state
 130 publications issued by state agencies in a physical format.

131 [~~(4) A selective depository library shall receive those state publications issued by state~~
 132 ~~agencies pertinent to its selection profile and those specifically requested by the library.]~~

133 (4) Each depository library shall have electronic network access to the bibliographic
 134 records and the state publications deposited with the division for the purposes of local
 135 preservation and providing local access.

Legislative Review Note

as of 11-10-05 10:07 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-21-05 3:05 PM

The Workforce Services and Community and Economic Development Interim Committee recommended this bill.