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WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY BILL 214

Establishes requirements concerning state and local government publications issued in electronic form. (BDR 33-1078)

Sponsored by: Assemblyman Mortenson
Date Heard: March 6, 2003

Assembly Bill 214 requires the administrator of the Division of State Library and Archives to establish standards for state and local government publications that are issued in electronic form. The bill includes a definition of "electronic form." The bill requires state and local governments to provide one copy of a publication issued in electronic form to the Division of State Library and Archives. The State Publications Distribution Center is required to make such electronic publications available free of charge on the Internet, and to periodically make available on the Internet a list of the state publications required to be published.

Amendments: Scott Sisco, Interim Director of the Department of Cultural Affairs requested an amendment to Section 2, Subsection 3, and offered to work with local government representatives on the standards. Dan Musgrove, representing Clark County, proposed amendments to Section 1 to address the concerns of local government. The Nevada Association of Counties worked with the Department of Cultural Affairs on proposed amendments to address local government issues.

A mock-up of the proposed amendments is attached.

Opposition: Local government representatives voiced concerns about requiring issuance in electronic form, and about standards that may be difficult or prohibitively expensive for local governments to meet.

Fiscal Impact: Local Government: No
State Government: Yes - Fiscal note attached

3/26/2003

**ORIGINALS ON FILE IN THE
RESEARCH LIBRARY**

ASSEMBLY GOVERNMENT AFFAIRS

DATE: 3/27/03 ROOM: 3142 EXHIBIT E, 1 of 6

SUBMITTED BY: Susan Scholten

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 214

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS
MARCH 26, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 378 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 *The State Library and Archives Administrator shall establish*
4 ~~standards for state and local government publications issued in~~
5 ~~electronic form and for the transmission of such publications to the State~~
6 ~~Publications Distribution Center.~~ consult with state and local
7 governments to establish the type and form of publications transmitted to
8 the State Publications Center pursuant to NRS 378.180.

9 **Sec. 2.** NRS 378.150 is hereby amended to read as follows:
10 378.150 It is the intent of the Legislature in enacting NRS 378.150 to
11 378.210, inclusive, and section 1 of this act that:

12 1. All state and local government publications *issued in print* be
13 distributed to designated depository libraries for use by all inhabitants of
14 the State; ~~and~~

15 2. Designated depository libraries assume the responsibility for
16 keeping such publications readily accessible for use and rendering
17 assistance, without charge, to patrons using them ~~;~~ ;

Amendment to ensure that any standards are considerate of local government concerns and limitations. Note that state and local governments are not required to issue publications in electronic form.

Amendment eliminates any inference of a mandate.

1 3. State and local governments be encouraged to issue state and
2 local government publications in electronic form ~~whenever possible~~; and

3 4. The State Library and Archives assumes the responsibility for
4 making such publications available for access, without charge, on the
5 Internet.

6 Sec. 3. NRS 378.160 is hereby amended to read as follows:
7 378.160 As used in NRS 378.150 to 378.210, inclusive ~~{-}~~ , and
8 section 1 of this act, unless the context otherwise requires:

9 1. "Electronic form" means any representation of text or graphics,
10 or pictorial, audio or other information in a form that is accessible by a
11 computer.

12 2. "Internet" has the meaning ascribed to it in
13 NRS 453.3625.

14 3. "Print" means all forms of printing and duplicating other than by
15 use of carbon paper.

16 ~~{2-}~~ 4. "State agency" includes the Legislature, constitutional officers
17 or any department, division, bureau, board, commission or agency of the
18 State of Nevada.

19 ~~{3-}~~ 5. "State publication" includes any document issued in print or
20 electronic form by any state agency and which may legally be released for
21 public distribution, but does not include:

- 22 (a) Nevada Revised Statutes with annotations;
- 23 (b) Nevada Reports;
- 24 (c) Bound volumes of the Statutes of Nevada;
- 25 (d) Press items of the University and Community College System of
26 Nevada which are not in the nature of public and other items for the
27 University and Community College System of Nevada not designed for
28 external distribution;
- 29 (e) Correspondence and intraoffice or interoffice communications
30 which are not of vital interest to the public; or
- 31 (f) Publications from established agencies which are required by
32 federal and state law to be distributed to depositories which duplicate those
33 under NRS 378.200.

34 Sec. 4. NRS 378.180 is hereby amended to read as follows:
35 378.180 1. Every state agency ~~{shall, upon release, deposit 12~~
36 ~~copies of each of its state publications which}~~ , upon its release of a state
37 publication, shall:

38 (a) If the publication is issued in print and was not printed by the
39 State Printing Division of the Department of Administration , deposit 12
40 copies of the publication with the State Publications Distribution Center
41 ~~{to meet the needs of the depository library system and to provide~~
42 ~~interlibrary loan service to those libraries without depository status.}~~ ; or

43 (b) If the publication is issued in electronic form, transmit one copy
44 of the publication to the Center.

1 2. For each item printed by the State Printing Division of the
2 Department of Administration, 12 additional copies must be printed by the
3 Division, these to be collected by the State Publications Distribution
4 Center and distributed to public libraries and libraries of the University and
5 Community College System of Nevada within the State.

6 3. Every city, county and regional agency and every school district
7 and special district ~~{shall, upon release,}~~ , *upon its release of a local*
8 *government publication, shall:*

9 (a) *If the publication is issued in print, deposit with the State*
10 *Publications Distribution Center at least six copies of ~~each of its~~*
11 *~~publications and a list of its publications for a calendar year.~~ the*
12 *publication; or*

13 (b) *If the publication is issued in electronic form, transmit one copy*
14 *of the publication to the Center.*

15 4. *Every city, county and regional agency and every school district*
16 *and special district shall, upon its release of a local government*
17 *publication, deposit with or transmit to the Center a list of all its local*
18 *government publications issued during that calendar year.*

19 **Sec. 5.** NRS 378.200 is hereby amended to read as follows:

20 378.200 1. After receipt of any state publications ~~{}~~ *issued in print,*
21 *the State Publications Distribution Center shall distribute copies of those*
22 *publications as follows:*

- 23 (a) One copy to the Legislative Counsel Bureau;
- 24 (b) Two copies to the Library of Congress; and
- 25 (c) Two copies to each depository library in this state.

26 2. The Center shall retain sufficient copies in the State Library and
27 Archives for preservation and use by the public. The remaining copies
28 must be used for distribution in accordance with any agreements entered
29 into with other states for the exchange of state publications, and for
30 lending to those libraries without depository status.

31 3. *After receipt of a state publication issued in electronic form, the*
32 *Center shall make that publication available for access, without charge,*
33 *on the Internet.*

34 **Sec. 6.** NRS 378.210 is hereby amended to read as follows:

35 378.210 The State Publications Distribution Center shall
36 ~~{periodically}~~ :

37 1. *Periodically* publish, and, upon request, distribute to all state
38 agencies and contracting depository libraries a list of state publications ~~{}~~ ;
39 *and*

40 2. *Make the list of state publications available for access, without*
41 *charge, on the Internet.*

42 **Sec. 7.** NRS 345.060 is hereby amended to read as follows:

43 345.060 1. As used in this section, unless the context otherwise
44 requires:

1 (a) "State agency" includes the Legislature, constitutional officers or
2 any department, division, bureau, board, commission or agency of the
3 State of Nevada.

4 (b) "State publication" has the meaning ascribed *to it* in ~~subsection 3~~
5 ~~of~~ NRS 378.160.

6 2. Except as *otherwise* provided in subsection 3, every state agency
7 which periodically distributes any state publication shall, at least after
8 every 12 issues or annually if published more frequently than once a month
9, notify the person receiving the publication that his name will be deleted
10 from the mailing list unless he notifies the state agency within 30 days that
11 he wants to remain on the mailing list.

12 3. This section does not apply if the person subscribes to and pays a
13 fee for the state publication.

14 **Sec. 8.** 1. This section and section 1 of this act become effective
15 upon passage and approval.

16 2. Sections 2 to 7, inclusive, of this act become effective on October
17 1, 2003.

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BDR 33-1078
A.B. 214

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 05, 2003

Agency Submitting: State Library and Archives Division, Department of Cultural Affairs

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Salary Grade 37-01 (Expense)		\$54,179	\$56,892	\$113,784
Out-of State Travel (Expense)		\$1,500	\$1,500	\$3,000
In State Travel (Expense)		\$840	\$840	\$1,680
Operating (Expense)		\$1,679	\$1,679	\$3,358
DoIT Assessment (Expense)		\$225	\$225	\$450
Total		\$58,423	\$61,136	\$122,272

Explanation (Use Additional Sheets of Attachments, if required)

This BDR requires the State Library and Archives Administrator to establish a program that will set standards for state and local government publications issued in electronic form and requires the State Publications Distribution Center to create a new program and make such publications available on the Internet. This requires 1 FTE, Grade 37-1, Librarian III (Electronic Documents Librarian) and associated costs. While this does have a fiscal impact, overall it is anticipated that the costs associated with this consolidated effort will ultimately save the State money as less printing will take place, and each State Agency and/or local government will not have to duplicate efforts.

Name Scott K. Sisco
Title Interim Director

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 07, 2003

Agency estimates appear reasonable.

Name John P. Comeaux
Title Director

E. 6/16