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FIRST REPRINT

A.B. 214

ASSEMBLY BILL NO. 214—ASSEMBLYMEN MORTENSON,
CHOWNING, BROWN, CHRISTENSEN, CLABORN, HETTRICK,
LESLIE, MCCLEARY, OCEGUERA AND PIERCE

FEBRUARY 28, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to publications by state agencies and certain local governments. (BDR 33-1078)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to publications of governmental entities; requiring the State Library and Archives Administrator, in consultation with state agencies and certain local governments, to establish by regulation the type of publications and the format in which those publications must be deposited with or transmitted to the State Publications Distribution Center by those state agencies and local governments; requiring state agencies and certain local governments that issue a publication in electronic form to transmit a copy of the publication to the Center; requiring the Center to make available for access on the Internet the electronic publications so transmitted; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 378.150 is hereby amended to read as follows:
- 2 378.150 It is the intent of the Legislature in enacting NRS
- 3 378.150 to 378.210, inclusive, that:
- 4 1. All state and local government publications *that are issued*
- 5 *in print and deposited with the State Publications Distribution*



1 *Center* be distributed to designated depository libraries for use by
2 all inhabitants of the State; ~~and~~

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

6 3. *State and local governments be encouraged to issue state
7 and local government publications in electronic form; and*

8 4. *The State Library and Archives assumes the responsibility
9 for making such publications available for access, without charge,
10 on the Internet.*

11 **Sec. 2.** NRS 378.160 is hereby amended to read as follows:

12 378.160 As used in NRS 378.150 to 378.210, inclusive ~~;~~ ,
13 *unless the context otherwise requires:*

14 1. *“Electronic form” means any representation of text or
15 graphics, or pictorial, audio or other information in a form that is
16 accessible by a computer.*

17 2. *“Internet” has the meaning ascribed to it in
18 NRS 453.3625.*

19 3. *“Print” means all forms of printing and duplicating other
20 than by use of carbon paper.*

21 ~~2.~~ 4. *“State agency” includes the Legislature, constitutional
22 officers or any department, division, bureau, board, commission or
23 agency of the State of Nevada.*

24 ~~3.~~ 5. *“State publication” includes any document issued in
25 print or electronic form by any state agency and which may legally
26 be released for public distribution, but does not include:*

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

39 **Sec. 3.** NRS 378.180 is hereby amended to read as follows:

40 378.180 1. Every state agency ~~[shall, upon release, deposit 12
41 copies of each of its state publications which]~~ , *upon its release of a
42 state publication of a type established by regulation pursuant to
43 subsection 6 as appropriate for deposit with or transmittal to the
44 State Publications Distribution Center, shall, in the format
45 established by regulation pursuant to subsection 6:*



1 (a) *If the publication is issued in print and* was not printed by
2 the State Printing Division of the Department of Administration ,
3 *deposit 12 copies of the publication* with the State Publications
4 Distribution Center ~~[to meet the needs of the depository library~~
5 ~~system and to provide interlibrary loan service to those libraries~~
6 ~~without depository status.] ; or~~

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

9 2. For each ~~[item]~~ *state publication of a type established by*
10 *regulation pursuant to subsection 6 as appropriate for deposit with*
11 *the State Publications Distribution Center that is* printed by the
12 State Printing Division of the Department of Administration, 12
13 additional copies must be printed by the Division, these to be
14 collected by the State Publications Distribution Center and
15 distributed to public libraries and libraries of the University and
16 Community College System of Nevada within the State.

17 3. Every city, county and regional agency and every school
18 district and special district ~~[shall, upon release.]~~ *, upon its release of*
19 *a publication of a type established by regulation pursuant to*
20 *subsection 6 as appropriate for deposit with or transmittal to the*
21 *State Publications Distribution Center, shall, in the format*
22 *established by regulation pursuant to subsection 6:*

23 (a) *If the publication is issued in print*, deposit with the State
24 Publications Distribution Center at least six copies of ~~[each of its~~
25 ~~publications and a list of its publications for a calendar year.] the~~
26 *publication; or*

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

29 4. *Each publication deposited with or transmitted to the State*
30 *Publications Distribution Center by a city, county or regional*
31 *agency, school district or special district pursuant to subsection 3*
32 *must be accompanied by a list of all publications that the city,*
33 *county or regional agency, school district or special district*
34 *deposited with or transmitted to the Center during that calendar*
35 *year.*

36 5. *Nothing in this section requires a state agency, city, county*
37 *or regional agency, school district or special district to issue*
38 *publications in electronic form.*

39 6. *The State Library and Archives Administrator, in*
40 *consultation with state agencies, city, county or regional agencies,*
41 *school districts and special districts, shall establish by regulation:*

42 (a) *The type of publications which are appropriate for deposit*
43 *with or transmittal to the State Publications Distribution Center*
44 *pursuant to this section; and*



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1 ***(b) The format in which publications must be deposited with or***
2 ***transmitted to the State Publications Distribution Center pursuant***
3 ***to this section.***

4 **Sec. 4.** NRS 378.200 is hereby amended to read as follows:
5 378.200 1. After receipt of any state publications ~~[-]~~ ***issued in***
6 ***print pursuant to paragraph (a) of subsection 1 of NRS 378.180,***
7 the State Publications Distribution Center shall distribute copies of
8 those publications as follows:

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

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

18 ***3. After receipt of a state publication issued in electronic***
19 ***form pursuant to paragraph (b) of subsection 1 of NRS 378.180,***
20 ***the Center shall make that publication available for access,***
21 ***without charge, on the Internet.***

22 **Sec. 5.** NRS 378.210 is hereby amended to read as follows:
23 378.210 The State Publications Distribution Center shall
24 ~~[-]~~ ***periodically*** :

25 ***1. Periodically*** publish, and, upon request, distribute to all state
26 agencies and contracting depository libraries a list of state
27 publications ~~[-]~~ ***received by the Center pursuant to NRS 378.180;***
28 ***and***

29 ***2. Make the list of state publications published pursuant to***
30 ***subsection 1 available for access, without charge, on the Internet.***

31 **Sec. 6.** NRS 345.060 is hereby amended to read as follows:
32 345.060 1. As used in this section, unless the context
33 otherwise requires:

34 (a) "State agency" includes the Legislature, constitutional
35 officers or any department, division, bureau, board, commission or
36 agency of the State of Nevada.

37 (b) "State publication" has the meaning ascribed *to it* in
38 ~~[-]~~ ***subsection 3 of*** NRS 378.160.

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



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

3 **Sec. 7.** 1. This section becomes effective upon passage and
4 approval.

5 2. Section 3 of this act becomes effective upon passage and
6 approval for the purposes of adopting regulations and on October 1,
7 2003, for all other purposes.

8 3. Sections 1, 2, 4, 5 and 6 of this act become effective on
9 October 1, 2003.

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