

SENATE BILL 49

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 12,
Chapter 6, relative to state publications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-6-101, is amended by deleting the section and substituting instead the following:

As used in this chapter:

(1) "Non-depository publication" means printed and electronic publications not collected by state depository libraries, including, but not limited to:

(A) Ephemeral materials, such as business cards, stationery, invitations, postcards, and flyers;

(B) Publications created for state agency internal use, such as handbooks, manuals, conference items of temporary use, instructional items, and agendas;

(C) Agency materials not distributed outside of the creating agency, such as working papers, internal newsletters, internal memoranda, and confidential material; and

(D) Reprints of federal materials;

(2) "Publication" includes any newsletter, stationery, greeting card, report, or printed or electronic material produced in any format for distribution outside the creating department or agency, including those published by facilities not operated by the state; and

(3)

(A) "State depository publication" includes:

(i) The acts and journals of the general assembly, the reports of the supreme court, and such other courts that have their decisions reported by the attorney general and reporter, or that are required to be reported by any act or resolution of the general assembly;

(ii) The regularly published reports of officers of this state and any special reports that may from time to time be published by state officers or committees of the general assembly or other committees provided for by law, including, but not limited to:

- (a) Public and private acts;
- (b) Court reports and opinions;
- (c) Rules and regulations;
- (d) Budget, revenue, and tax report documents;
- (e) Annual and biennial reports;
- (f) Vital statistics, court statistics, and census

reports;

- (g) Periodic and special reports;
- (h) State plans and strategic plans;
- (i) Tennessee Blue Book;
- (j) Fact books;
- (k) Maps;
- (l) Magazines;
- (m) External newsletters (those available for public

information); and

(n) Such other reports or statements published under the authority of the state, or any official thereof; and

(B) "State depository publication" does not include non-depository publications.

SECTION 2. Tennessee Code Annotated, Section 12-6-107, is amended by deleting the section and substituting instead the following:

(a) The state library and archives at Nashville, the John C. Hodges Library of the University of Tennessee, at Knoxville, the Benjamin L. Hooks Central Library at Memphis, the Ned R. McWherter Library at the University of Memphis, the Sherrod Library at East Tennessee State University, and such other libraries as the governor may at any time name by executive order are designated depositories for state documents and for all state depository publications issued by any official of the state.

(b) Upon request of a designated depository of state depository publications, such depository is entitled to receive, without charge, one (1) copy of the bills, resolutions, amendments, daily journals, informational services showing committee actions and the status of pieces of legislation, daily calendars, published committee reports, and any official or unofficial published index.

(c) To ensure access of all state depository publications to members of the general assembly without the expense of furnishing copies for each member, all state documents and state depository publications otherwise distributed to depository libraries must be distributed to the legislative reference and law library for the use of the general assembly.

SECTION 3. Tennessee Code Annotated, Section 12-6-108, is amended by deleting the section and substituting instead the following:

Each member of the general assembly is entitled to one (1) copy of the printed acts of the general assembly of which the person was a member, which must be

delivered to the member's legislative office in Nashville, but only upon written request to the secretary of state by the member not later than February 1 of each year.

SECTION 4. Tennessee Code Annotated, Section 12-6-109, is amended by deleting the section and substituting instead the following:

At least quarterly, a list of all publications must be provided by the department of general services to the Tennessee state library and archives and other state depository libraries. Notice of publication and access to state electronic publications must be provided to all state depository libraries.

SECTION 5. Tennessee Code Annotated, Section 12-6-110, is amended by deleting the section and substituting instead the following:

At the expense of each department, agency, board, or commission, the person in charge of making documents and publications shall distribute or have distributed:

(1) One (1) copy of all state depository publications to the librarian, person, or persons in charge of each of the depositories and the legislative reference and law library;

(2) Upon request, two (2) copies of all state depository publications to the secretary of state; and

(3) Upon request, two (2) copies of all state depository publications to the commissioner of general services.

SECTION 6. Tennessee Code Annotated, Section 12-6-112, is amended by deleting the section and substituting instead the following:

The librarian or other person in charge of each depository shall receive and carefully preserve all state documents and publications, both printed and electronic, so received.

SECTION 7. Tennessee Code Annotated, Title 12, Chapter 6, is amended by adding the following language as a new, appropriately designated section:

The secretary of state shall promulgate rules to effectuate the preservation, distribution, accessibility, and availability of state depository publications in electronic format. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. Tennessee Code Annotated, Section 12-6-114, is amended by deleting the section.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.