

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 59

An Act to amend and reenact § 2.2-609 of the Code of Virginia, to amend the Code of Virginia by adding in Title 42.1 a chapter numbered 8, consisting of sections numbered 42.1-92 through 42.1-97, and to repeal §§ 42.1-17 and 42.1-19 through 42.1-19.4 of the Code of Virginia, relating to the State Publications Depository Program.

[H 210]

Approved March 7, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-609 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 42.1 a chapter numbered 8, consisting of sections numbered 42.1-92 through 42.1-97 as follows:

§ 2.2-609. Copies of state publications furnished to Librarian of Virginia.

A. Pursuant to the State Publications Depository Program (§ 42.1-92 et seq.), ~~Every~~ every agency, institution, collegial body, or other state governmental entity of any branch of government shall furnish such number of a maximum of 20 copies as may be designated by the Librarian of Virginia of each of its publications, as defined in § 42.1-93, at the time of issue to or, if authorized by The the Library, of Virginia other publication information as may be designated by the Library to facilitate the acquisition and distribution of publications, regardless of physical form or characteristics for its collection and copies sufficient for the depository system and for exchange purposes, not exceeding 20 copies.

B. Every agency, institution, collegial body, or other state governmental entity of any branch of government shall provide information requested by the Library to assist in the publication of an annual catalog of state agency publications as required by § 42.1-95 of the State Publications Depository Program.

C. For purposes of this section, "Library" means The Library of Virginia.

CHAPTER 8.

State Publications Depository Program.

§ 42.1-92. Short title; policy.

A. This chapter may be cited as the "State Publications Depository Program."

B. By enacting this chapter, the General Assembly recognizes that an informed citizenry is indispensable to the proper functioning of a democratic society. In order to remain informed, citizens must know about the activities of their government and benefit from information developed at public expense. Through the administration of the State Publications Depository Program, citizens will be ensured continued access to state publications, regardless of geographical location in the Commonwealth. This chapter shall be enacted to ensure that The Library of Virginia, as the official repository of state publications for the Commonwealth, is able to provide continued access to all state government publications, regardless of physical form or characteristics, and to prescribe conditions for the collection and preservation of state publications throughout the Commonwealth. Nothing in this chapter shall be construed to alter or diminish the responsibilities of public bodies with respect to public records under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 42.1-93. Definitions.

As used in this chapter:

"Local or regional agency" means all political subdivisions, including counties, cities, and towns, and other governmental agencies in the Commonwealth, other than state agencies.

"Publication" means all documents, regardless of physical form or characteristics and issued by or for a state, local, or regional agency, in full or in part at government expense, that are created for the research or informational use of the public. "Publication" shall not include documents that are developed solely for the agency's administrative and internal operations.

"State agency" means every agency, institution, collegial body, or other state governmental entity of any branch of government.

§ 42.1-94. Duties of Librarian of Virginia; agencies to cooperate.

A. The Library of Virginia shall establish and administer the State Publications Depository Program for the collection and dissemination of publications to the libraries designated by The Library of Virginia as depository libraries, consistent with the rules, regulations, or standards promulgated by the State Library Board, which shall include guidance in determining which documents are publications for purposes of the State Publications Depository Program.

B. Pursuant to § 2.2-609, state agencies shall furnish or otherwise make available publications or publication information designated by The Library of Virginia in the administration of the State

Publications Depository Program.

C. Upon request, local and regional agencies shall provide to The Library of Virginia, free of charge, copies of specifically requested publications. The number of copies required for each requested printed publication shall not exceed two copies.

§ 42.1-95. Catalog.

A. The Librarian of Virginia shall prepare, publish, and make available annually a catalog of publications produced by state agencies. Each such publication shall be indexed by subject, author, issuing agency, and the format of the publication. The date of publication of each listed publication shall be noted in the catalog. To the extent such information is available, the catalog shall set forth the price charged, if any, of each publication and how and where the same may be obtained.

B. Pursuant to § 2.2-609, state agencies shall provide information requested by The Library of Virginia to assist in the preparation of the catalog.

§ 42.1-96. Distribution of catalog.

The catalog shall be made available without cost to persons indicating a continued interest in such catalog. Copies sent out of state shall be on an exchange basis or at a price sufficient to equal the unit cost of printing and mailing; complimentary copies may be made available by the Librarian of Virginia. A copy of the catalog shall be available at the libraries designated by The Library of Virginia as depository libraries for public inspection and use.

§ 42.1-97. Annual report.

The Librarian of Virginia shall report annually to the Governor and the chairmen of the House and Senate Committees on General Laws and the House Appropriations and Senate Finance Committees of the General Assembly, indicating which, if any, state agencies did not furnish or otherwise make available copies of their publications or other information required under this chapter, and which, if any, local or regional agencies did not provide access to publications upon request. Such report shall be filed no later than November 1 of each year.

2. That §§ 42.1-17 and 42.1-19 through 42.1-19.4 of the Code of Virginia are repealed.