

# Legislative Analysis

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**House Bill 5132 (Substitute H-1)**

**Sponsor: Rep. Rick Baxter**

**Committee: Government Operations**

### **First Analysis (5-17-06)**

**BRIEF SUMMARY:** The bill would reduce the number of paper copies of state documents provided to the Library of Michigan, and no longer require paper copies if a document is available electronically.

**FISCAL IMPACT:** The bill would result in an indeterminate savings to those institutions currently providing the library with copies of documents.

### **THE APPARENT PROBLEM:**

The Library of Michigan Act requires that at least 75 copies of each document issued by a state official, department, board, commission, or agency that is not issued solely for use of that entity shall be issued to the Library of Michigan. Given that many documents are available electronically, it has been suggested that the number of paper copies provided the library be reduced.

### **THE CONTENT OF THE BILL:**

House Bill 5132 would amend the Library of Michigan Act (MCL 397.19) to reduce, from 75 to 15 the minimum number of copies of provided to the library of each document issued by state officials, departments, boards, commissions, and agencies. The bill adds, however, that paper copies need not be filed, if the printed copies are not produced, the document is in a nonproprietary format, the document is freely available on the state's website, and the state librarian is notified a the document's availability on the state's website and its address.

In addition, the act currently exempts state-supported colleges and universities from the filing requirement stated above, except that they are required to provide the library with two copies of every publication. The bill specifies a college or university would provide two paper copies of each document that is not freely available on the school's Internet website.

The state librarian could provide the chief administrative officer of a department, board, commission, agency, college or university that fails to comply with the act's filing requirements (as amended by the bill) with a notice of such noncompliance. If the entity fails remains noncompliant as of a date specified in the notice, the state librarian would have to inform the governor and/or the attorney general of that noncompliance.

## ***BACKGROUND INFORMATION:***

The Library of Michigan services as a depository for public documents issued by state entities. The library receives the copies of state documents, as required by law, and retains three for its own collection and distributes the remaining copies to 50 depository libraries, including the Library of Congress, and four permanent repositories located at the University of Michigan Hatcher Graduate Library, the Michigan State Universities Libraries, the Wayne State University Purdy-Kresge Library, and the Detroit Public Library. (Reportedly, the library only requires 65 copies of a document).

Generally, any publication printed in multiple copies by an agency that is intended for distribution beyond the issuing agency is distributed to depository libraries. This includes annual reports, general information publications, statistical publications, bibliographies, maps, posters, periodicals, and manuals. The Library of Michigan Act (MCL 397.19) specifies that publications of a college or university press, directives for internal administration, intraoffice and interoffice memoranda, state forms, and other correspondence are not made available through the depository program. Also, press releases, periodicals for state agency staff, and meeting minutes, although retained by the Library of Michigan, are also not distributed to depository libraries.

With fewer copies required under the bill, the library will retain copies for its collection and send a copy to the Library of Congress and distribute the remaining copies to eight regional depository libraries, which would be the larger university libraries, the Grand Rapids Public Library, Detroit Public Library, and also libraries in the Upper Peninsula.

## ***ARGUMENTS:***

### ***For:***

The bill recognizes the changing nature of how information is presented and accessed. With more and more state documents being made available electronically, there is no real need to require so many copies of each document. The public may access these materials online, rendering a paper copy unnecessary. Moreover, it's becoming increasingly difficult for many smaller libraries to physically maintain these documents as they continue to accumulate.

The bill, then, encourages state documents to be made available to the public on state websites, which improves accessibility to information. Also, by requiring fewer copies, the bill reduces printing and publication costs for state agencies, and enables local libraries (which previously received these documents) to focus their financial and physical resources on other projects.

### ***Response:***

There is concern that, by not requiring that a paper copy be preserved when a document is available electronically, access to some information will be lost in the event that it is no longer available on the Internet or the library's electronic archive fails.

***Against:***

Some are concerned that the bill restricts access to information, as not every population demographic has access to website information.

***Response:***

State documents will still be available through the Library of Michigan, the larger public libraries, and university libraries. Individuals who do not have Internet access may obtain these documents through local libraries, as they normally would. The library staff can provide assistance in retrieving electronic documents and can obtain printed documents through interlibrary loans, if necessary. Printed documents will still be provided to Library of Michigan and other major libraries in the state, ensuring public access to those documents.

***POSITIONS:***

The Department of History, Arts, and Libraries supports the bill. (5-16-06)

The Michigan Library Association supports the substitute. (5-16-06)

The Michigan Press Association opposes the bill. (5-16-06)

The State Bar of Michigan opposes the bill in principle. (5-16-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.