

Louisiana Revised Statutes
Title 25
Public Documents Depository System

§121. Policy

Freedom of Access to public documents is a basic right of citizenship. Therefore, it is the policy of the state of Louisiana that public documents shall be made available to the public. In order to obtain maximum efficient distribution and maximum availability of these documents, a depository system is hereby established.

§121.1 Definitions

As used in this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) "Public document" means any informational matter, for public distribution regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency. Correspondence and inter-office or intra-office memoranda and records of an archival nature are excluded.
- (2) "State agency" means an office, department, board, bureau, commission, council, institution, college or university, division, officer, or other person or group authorized to exercise or that exercises any of the functions of the government of the state of Louisiana.
- (3) "Depository" means an institution which contracts with the State Librarian to participate in the Public Document Depository System.

§122. Establishment of depositories; administration of depository system; documents; rules and regulations.

- A. The State Librarian shall be responsible for establishing a system of depositories for state public documents, and for the deposit and distribution of state public documents to the depositories.
- B. The State Librarian shall adopt and promulgate rules and regulations, and enter into agreements with depositories, as necessary to implement the provisions of this Chapter.

§123. Recorder of Documents; duties.

A. The provisions of this Chapter shall be implemented and administered under the supervision of the State Librarian, by the Recorder of Documents, who shall be a graduate of an accredited school of library science.

B. Duties of the Recorder of Documents include:

(1) Preparation and distribution of the official bibliography of state documents.

(2) Prompt transmission of public documents received from state agencies to the depositories.

(3) Provision of bibliographical and practical assistance to the depositories in maintaining, developing, classifying, and utilizing their collections.

In addition, the Recorder of Documents may send copies of state documents to the office of state archives and to select national and foreign libraries, including the Library of Congress.

§124. Public documents of state agencies.

A. Each state agency shall furnish to the Recorder of Documents, upon release, copies of public documents to meet the needs of the depository system.

B. Each state agency shall designate a liaison officer and shall notify the Recorder of Documents of the appointment.

C. The liaison officer shall submit semiannually to the Recorder of Documents a complete list of his agency's public documents.

§124.1 Depositories.

A. Louisiana State Library and Louisiana State University Library at Baton Rouge are hereby designated complete public document depositories. Other Louisiana libraries may request complete public document depository status.

B. Libraries, including those in state agencies and other institutions, may contract with the State Librarian to become depositories.

- C. Each depository shall agree to make state documents accessible to the public, to render free service in their use, and to abide by the rules and regulations promulgated by the State Librarian. Extended noncompliance with the contract provisions shall result in the loss of depository status.

APPENDIX B

Louisiana Administrative Code (LAC)
Volume 7
Title 25
Part VII. Louisiana State Library
Subpart 5. Public Document Depository System
[Revised July 2002]

Chapter 41. General Rules

§4101. Authority

These rules are promulgated by the state librarian who serves as the assistant secretary of Culture, Recreation and Tourism, Office of the State Library, as authorized by R.S. 25:122B and as required by the Administrative Procedures Act (R.S. 49:953).

§4103. Organization

The State Public Documents Depository Program is created as a unit of the State Library under the direction of the state librarian who employs a graduate librarian to head the office.

§4105. Purpose

The state librarian has the duty to establish a depository system to facilitate the accessibility and preservation of state documents for the use of the public.

§4107. Advisory Council

In pursuing the mission to provide citizens of the state access to state government publications, the recorder of documents will seek the advice of an advisory council. Members will be appointed by the state librarian and will include representatives of state agencies, state depositories, and other interested persons. Functions of the council shall be to advise on the selection, organization, distribution, and bibliographic control of publications; to recommend policy and procedures for the effective and efficient operation of the office of the recorder of documents and to provide a forum for the exchange of information and ideas.

Chapter 43. Deposit of Publications

§4301. Agency Responsibility

State agencies as defined in R.S. 25:121.1 are required to deposit copies of their public documents with the recorder of documents immediately upon publication.

§4303. Public Documents Required to be Deposited

The public documents required to be deposited are those defined in R.S. 25:121.1. "Public Document" means informational matter, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total cost or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency. Further, this definition specifically includes journals, laws or bills, statutes, codes, rules, regulations; newsletters, bulletins, state plans, brochures, periodicals or magazines; minutes of meetings of boards and commissions, transcripts of public hearings; reports, directories, statistical compendiums, bibliographies, pamphlets, lists, books; charts, maps, surveys; other printed matter; microfilm, microfiche, audiovisuals; electronic documents. "*Electronic Documents*" denotes any discrete public document published in a static electronic or digital format, i.e., CD-ROM, web document, floppy disk, etc. Whenever possible, paper is the preferred format for deposit with the recorder of documents. Excluded from the definition of public documents are correspondence, interoffice or intra-office memoranda, records of an archival nature; interactive, non-discrete, constantly changing electronic items such as Web sites, databases, ASP (active server pages), or software programs.

§4305. Public Documents Not Required to be Deposited

- A. Correspondence and inter-office or intra-office memoranda and records of an archival nature are excluded.
- B. Complete Web sites are excluded.

§4307. Core Collection

- A. Core collection refers to those basic public documents which all depositories shall receive.
- B. The needs of the public will be served best by distributing to all depositories those public documents which are the most useful and essential. Fewer copies of other state agency publications may be needed to meet the needs of the depository system. Therefore, in the interests of economy and efficiency, the recorder of documents with the aid of the advisory council will identify a core collection to be deposited in all participating libraries.

§4309. Number of Copies to be Deposited

The recorder of documents and the advisory council will determine the appropriate number of copies of each public document not included in the core collection which will be required to be deposited to meet the needs of the depository program in accordance with the contract between the depository and the state librarian.

§4311. Liaison Officer of Agencies

The head of every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the recorder of documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the recorder of documents of any new liaison officer should a change occur. If a liaison officer is not appointed, the head of the agency serves as liaison by default. The liaison officer of each state agency shall have the duty to provide the recorder of documents with the required copies of publications in whatever format they were originally published and to submit the URL's of Internet documents. The liaison officer shall compile and forward to the recorder of documents lists of the public documents of the agency, and to provide other related information as may be requested by the recorder of documents.

§4313. Application of Rules

If the liaison officer is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is burdensome because of cost or numbers published, or if the number of copies to be deposited is

uncertain, the liaison officer of the agency shall consult with the recorder of documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the recorder of documents, a written request should be submitted to the state librarian, who shall make the final ruling.

§4315. Noncompliance by Agency

Noncompliance of an agency will result in a written notice of the noncompliance from the state librarian to the chief administrative officer of the agency. This notice shall state the alleged noncompliance, a specific date on which such noncompliance must be remedied, and that further noncompliance will result in a report to the attorney general and the governor.

§4317. Agency List of Publications

Every state agency shall provide to the recorder of documents a complete list of its public documents upon request of the recorder of documents.

Chapter 45. Depository Library System

§4501. Statutory Depositories

Louisiana State Library and Louisiana State University Library at Baton Rouge are legally designated complete depository libraries. They shall be the historical depository libraries, shall receive two copies of all public documents received by the recorder for distribution, and shall retain permanently one copy of each. The State Library of Louisiana is responsible for archiving and providing permanent public access to documents it receives that are issued solely in electronic formats.

§4503. Other Depositories

Libraries, including those in state agencies and other institutions in Louisiana wishing to receive public documents through the depository system shall submit a written application to the state librarian requesting designation as a complete depository, or a selective depository. Special depository status is limited to the David R. Poynter Legislative Research Library.

1. Complete depositories shall receive one copy of all public documents received by the recorder of documents for distribution and shall retain one copy for a minimum of six years.
2. Selective depositories shall receive one copy of the core collection and all public documents received by the recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of six years. Those libraries selecting only the core collection shall retain the latest edition of each document received.
3. The special depository shall follow standard selection procedures and shall comply with the contract made with the state librarian.

§4505. Designation of Depositories and Contracts

- A. The state librarian shall review the applications submitted, and shall grant depository status to applicants, taking into consideration user needs, geographic coverage, and level of service to be provided.
- B. The state librarian and the administrator of the library/institution receiving depository status shall execute a contract which shall designate the depository status of the library/institution, the date depository status shall become effective, and shall include a statement of agreement to abide by the depository law, and the rules and regulations promulgated and adopted by the state librarian.

§4507. Termination of Depository Contract

- A. Termination of the contract between the Louisiana State Library and the depository shall be by written notice six months in advance of the proposed date of termination. The state documents received shall be retained by the depository until the normal retention date, unless otherwise advised by the recorder of documents.
- B. Failure of a depository to abide by the depository law, rules and regulations and guidelines shall result in termination of depository contract by the state librarian upon six months written notice.

§4509. Guidelines

The recorder of documents shall issue guidelines:

1. to aid state agencies in complying with the Louisiana Public Documents Law and the rules and regulations of the state librarian;
2. for the proper maintenance, housing, and servicing of public documents and which describe other responsibilities of the depositories; and
3. which delineate the functions and responsibilities of the recorder of documents office.