

# Memorandum

## Utah State Law Library

450 S. State St. W-13  
P.O. Box 140220  
Salt Lake City, UT 84114-0220  
801-238-7991  
jessicavb@email.utcourts.gov

**TO:** Ray Matthews, Utah State Library September 29, 2006

**COPY:** Brent Johnson, General Counsel  
Nancy Volmer, Public Information Officer

**FROM:** Jessica Van Buren, Utah State Law Library *JVB*

**RE:** Memorandum of Understanding – Preservation of and Access to State Publications

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The purpose of this memorandum is to confirm the courts' understanding of the changes to the Utah Code regarding deposit of state publications with the State Library.

H.B. 41 (1996) amends Utah Code Ann. §9-7-203 and §9-7-208 to require the State Library to establish a web-accessible digital library of state publications to provide permanent public access to them. State entities are required to continue depositing copies of their print and digital publications with the State Library as specified in Utah Code Ann. §9-7-207.

The existing definition of "state publication" in Utah Code Ann. §9-7-101(6)(a) is fairly broad in scope, and lists items that could be construed to encompass court records. However, the State Library does not expect the court to deposit court records such as court calendars, case files and reports, decrees, dockets, documents, judgments, minutes, orders, rulings, transcripts, or audio/video of proceedings and hearings.

Examples of court publications the State Library should receive include annual reports, state of the judiciary reports, appellate court opinions, final and/or annual reports of supreme court and judicial council committees and task forces, guides, and pamphlets.

The revised Utah Code Ann. §9-7-208(2)(b) provides that state agencies may not remove publications from their websites until they have deposited a copy in the State Library's digital library, thereby ensuring permanent public access to the information. Publications posted on the court website could be automatically retrieved by the State Library on a regular schedule using crawling technologies.

The new digital library is still in the design phase, but should be in place within the next 6-12 months. Once it is operational the State Library will contact all state agencies and outline the process for depositing their electronic publications. It is the State Library's goal to automate the process as much as possible by either crawling directories designated by agencies for new publications or by providing FTP access, so that new content can be added to the database with little effort.