

AN ACT

relating to the authority and duties of certain libraries and to library systems in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivisions (2) and (4), Section 441.101, Government Code, are amended to read as follows:

(2) "Depository library" means the Texas State Library, the Legislative Reference Library, the Library of Congress, the Center for Research Libraries, or any other library that the commission designates as a site for retaining and allowing public access to state publications [~~depository library~~].

(4) "State publication":

(A) means information in any format, including materials in print or in an electronic format, that:

(i) is produced by the authority of or at the total or partial expense of a state agency or is required to be distributed under law by the agency; and

(ii) is publicly distributed outside the agency by or for the agency; and

(B) does not include information the distribution of which is limited to:

(i) contractors with or grantees of the agency;

(ii) persons within the agency or within

1 other government agencies; or

2 (iii) members of the public under a request
3 made under the open records law, Chapter 552.

4 SECTION 2. Subsection (c), Section 441.102, Government
5 Code, is amended to read as follows:

6 (c) The commission shall establish and maintain a system,
7 named the "Texas Records and Information Locator," or "TRAIL," to
8 allow electronic access, including access through the Internet, at
9 the Texas State Library and other depository libraries to state
10 publications in an electronic format that have been made available
11 to the public by or on behalf of a state agency.

12 SECTION 3. Section 441.103, Government Code, is amended by
13 amending Subsections (a) and (b) and adding Subsections (f), (g),
14 and (h) to read as follows:

15 (a) A state agency shall designate one or more staff persons
16 as agency publications liaisons [~~contact persons~~] and shall notify
17 the Texas State Library of those persons' identities. A
18 publications liaison [~~contact person~~] shall maintain a record of
19 the agency's state publications and shall furnish to the Texas
20 State Library a list of the agency's new state publications as they
21 become available.

22 (b) A state agency shall furnish copies of its printed state
23 publications to the Texas State Library in the number specified by
24 commission rules. On the printing of or awarding of a contract for
25 the printing of a publication, a state agency shall arrange for the
26 required number of copies to be deposited with the Texas State
27 Library. The commission may not require more than 75 copies of a

1 printed state publication.

2 (f) A state agency shall make its printed state publications
3 accessible from the state agency's website in an electronic format.
4 If the state agency does not have a website, the agency shall
5 deposit the electronic source file for each printed state
6 publication in the manner prescribed by commission rules.

7 (g) A state agency shall include, for any state publication
8 in electronic format, regardless of its availability through the
9 Internet, identifying and descriptive information about the state
10 publication as specified by commission and Department of
11 Information Resources rules.

12 (h) If an electronic state publication is not printed or
13 available from the state agency's website, the state agency shall
14 furnish the Texas State Library copies in a manner prescribed by
15 commission rules. The commission may not require more than 75
16 copies of the publication.

17 SECTION 4. Section 441.104, Government Code, is amended to
18 read as follows:

19 Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. The Texas
20 State Library shall:

21 (1) acquire, organize, [~~and~~] retain, and provide
22 access to state publications;

23 (2) collect state publications and distribute them to
24 depository libraries;

25 (3) establish a [~~microform~~] program for the
26 preservation and management of state publications and make
27 available state publications in alternative formats [~~microform~~] to

1 depository libraries and other libraries at a reasonable cost;

2 (4) periodically issue a list of all state
3 publications that it has received in print or storage media to all
4 depository libraries and other libraries on request;

5 (5) catalog, classify, and index all state
6 publications that it receives and distribute the cataloging,
7 classification, and indexing information to depository libraries
8 and to other libraries on request;

9 (6) ensure that state publications are fully
10 represented in regional and national automated library networks;

11 (7) index all state publications that are available on
12 the Internet [~~in an electronic format~~] and make the index available
13 on the Internet [~~in an electronic format~~]; and

14 (8) [~~provide on-line access to state publications that~~
15 ~~can be accessed on-line; and~~

16 [~~9~~] provide other depository libraries appropriate
17 access, at no charge, to state publications available in an
18 electronic format.

19 SECTION 5. Section 441.106, Government Code, is amended to
20 read as follows:

21 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.
22 If a state agency's printing is done by contract, an account for the
23 printing may not be approved and a warrant may not be issued unless
24 the agency first furnishes to the Texas Building and Procurement
25 [~~State Purchasing and General Services~~] Commission a receipt from
26 the state librarian for the publication or a written waiver from the
27 state librarian exempting the publication from this subchapter.

1 SECTION 6. Subchapter I, Chapter 441, Government Code, is
2 amended by adding Section 441.1281 to read as follows:

3 Sec. 441.1281. CREATION OF LIBRARY DISTRICTS IN CERTAIN
4 MUNICIPALITIES. (a) This section applies only to a municipality
5 that does not have a municipal public library accredited for
6 membership in the state library system.

7 (b) An election to adopt or increase the local sales and use
8 tax under Subchapter E, Chapter 326, Local Government Code, is to be
9 treated also as an election that will have the effect of reducing
10 the tax rate of an industrial development district if:

11 (1) all or any part of the proposed district is
12 included within the boundaries of an industrial development
13 corporation created under Section 4B, Development Corporation Act
14 of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), by the
15 municipality after the date of the first filing of a petition with
16 the commissioners court of the county to create a library district
17 under Chapter 326, Local Government Code; and

18 (2) the adoption or increase of the local sales and use
19 tax under Subchapter E, Chapter 326, Local Government Code, would
20 result in a combined tax rate of more than two percent in any
21 location in the proposed district.

22 (c) If the voters approve the adoption or increase of the
23 district tax under Subsection (b), the tax rate to which the
24 development corporation's tax is reduced is the highest rate that
25 will not result in a combined tax rate of more than two percent in
26 any location in the proposed district.

27 (d) The rate of the tax imposed by the development

1 corporation is increased without further action of the board or the
2 voters of the development corporation or the district on the date on
3 which the tax imposed under Subchapter E, Chapter 326, Local
4 Government Code, is decreased or expires. The development
5 corporation's tax rate increases only to the extent that any tax
6 imposed by the development corporation was reduced under this
7 section when the tax imposed by the district was adopted or
8 increased.

9 (e) This section does not permit a taxing unit to impose
10 taxes at different tax rates in the territory of the unit.

11 (f) For the purposes of holding an election as described by
12 this section, a petition filed before, on, or after September 1,
13 2003, with the commissioners court of the county to create a library
14 district is effective and valid for subsequent filing purposes
15 until the second anniversary of the date on which the petition was
16 first filed.

17 (g) If the boundaries of the proposed library district
18 include any territory that, on the date on which a petition is filed
19 on the question of creating the district, is part of a municipality
20 that operates a municipal public library accredited for membership
21 in the state library system, the governing body of that
22 municipality must consent by resolution to allow the inclusion of
23 that municipal territory in the proposed district.

24 SECTION 7. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1154 passed the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1154 passed the House, with amendment, on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor