

BILL ANALYSIS

Senate Research Center

S.B. 1154
By: Shapleigh
Government Organization
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Enrolled

DIGEST AND PURPOSE

Current Texas policy attempts to ensure the collection, preservation, and widespread, timely access to state government publications. S.B. 1154 requires the Texas State Library and Archives Commission (TSLAC) to establish and maintain the Texas Records and Information Locator at the TSLAC or at other depository libraries that would allow public access to state publications in an electronic format, including access via the Internet. The bill also provides for the creation of library districts in certain municipalities without libraries.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subdivisions (2) and (4), Sections 441.101, Government Code, to redefine “depository library” and “state publication.”

SECTION 2. Amends Subsection (c), Section 441.102, Government Code, to require the Texas State Library and Archives Commission (TSLAC) to establish and maintain a system, named the “Texas Records and Information Locator” or “TRAIL” to allow electronic access, including access through the Internet, at the Texas State Library and other depository libraries, to state publications in an electronic format that have been made available to the public by or on behalf of a state agency.

SECTION 3. Amends Section 441.103, Government Code, by amending Subsections (a) and (b) and adding Subsections (f), (g), and (h), as follows:

(a) Requires a state agency to designate one or more staff persons as agency publications liaisons, rather than contact persons, and to notify the Texas State Library of those persons’ identities. Makes a conforming change.

(b) Requires a state agency to furnish copies of its printed state publications to the Texas State Library in the number specified by TSLAC rules.

(f) Requires a state agency to make its printed state publications accessible from the state agency’s website in an electronic format. Requires the agency, if the state agency does not have a website, to deposit the electronic source file for each printed state publication in the manner prescribed by TSLAC rules.

(g) Requires a state agency to include, for any state publication in electronic format, regardless of its availability through the Internet, identifying and descriptive information about the state publication as specified by TSLAC and Department of Information Resources rules.

(h) Requires the state agency, if an electronic state publication is not printed or available from

the state agency's website to furnish the Texas State Library copies in a manner prescribed by TSLAC rules. Prohibits TSLAC from requiring more than 75 copies of the publication.

SECTION 4. Amends Section 441.104, Government Code, as follows:

Sec. 441.104. DUTIES OF TEXAS STATE LIBRARY. Requires the Texas State Library to perform certain acts.

SECTION 5. Amends Section 441.106, Government Code, as follows:

Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS. Prohibits an account for the printing, if a state agency's printing is done by contract, from being approved and a warrant from being issued unless the agency first furnishes to the Texas Building and Procurement, rather than State Purchasing and General Services, Commission a receipt from the state librarian for the publication or a written waiver from the state librarian exempting the publication from this subchapter.

SECTION 6. Amends Subchapter I, Chapter 441, Government Code, by adding Section 441.1281, as follows:

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

(b) Provides that an election to adopt or increase the local sales and use tax under Subchapter E, Chapter 326, Local Government Code, is to be treated also as an election that will have the effect of reducing the tax rate of an industrial development district if certain standards are met.

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

(d) Provides that the rate of the tax imposed by the development corporation is increased without further action of the board or the voters of the development corporation or the district on the date on which the tax imposed under Subchapter E, Chapter 326, Local Government Code, is decreased or expires. Provides that the development corporation's tax rate increases only to the extent that any tax imposed by the development corporation was reduced under this section when the tax imposed by the district was adopted or increased.

(e) Provides that this section does not permit a taxing unit to impose taxes at different tax rates in the territory of the unit.

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

(g) Provides that, if the boundaries of the proposed library district include any territory that, on the date on which a petition is filed on the question of creating the district, is part of a municipality that operates a municipal public library accredited for membership in the state library system, the governing body of that municipality is required to consent by resolution to allow the inclusion of that municipal territory in the proposed district.

SECTION 7. Effective date: September 1, 2003.