

BILL ANALYSIS

H.B. 605
By: D. Howard
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statutes do not include accreditation standards in the definition of a “municipal public library,” which has led to misunderstandings and confusion. This bill would amend the Local Government Code, Chapter 326 to define a municipal library as one that is accredited by the Texas State Library.

Current Texas library district statutes also state that districts must be located within a single county. This bill would amend Local Government Code, Chapter 326 to permit contiguous territory located in multiple counties to petition the commissioners court of the appropriate county to form a single library district. Other districts, such as hospital districts, are already provided this flexibility.

There are a number of towns and cities that cross county borders and would benefit from this legislation. One example is the area around Spicewood, Texas, that falls within three counties but could logically be combined to form a single library district.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Section 326.003(3), Local Government Code, to provide that the definition of a "Municipal public library" include a requirement to be accredited for membership in the state library system.

SECTION 2. Amends Sections 326.022(a), (c), and (d), Local Government Code as follows:

- (a) Allows a library district to include contiguous territory within one or more counties.
- (c) Makes technical changes to the requirement that a municipality which operates a municipal library pass a resolution on whether to allow the inclusion of that municipal territory in the proposed district.
- (d) Makes technical changes to the requirements for the process for expanding a library district.

SECTION 3. Amends Section 326.023(a), Local Government Code as follows:

- (a) Makes technical changes to specify that the commissioners court of each county in which the proposed library district is located must receive identical petitions for the creation of that district.

SECTION 4. Makes technical changes to Section 326.024, Local Government to clarify that the petitioners must provide each county clerk within the proposed district an amount of money equal to the cost of conducting the creation election in their county only.

SECTION 5. Amends Section 326.025(c), Local Government Code to specify that the commissioners court of each county with territory in the proposed district must grant the petition before a creation election is ordered.

SECTION 6. Amends Section 326.029(a), (b), and (d), Local Government Code to read as follows:

(a) Makes a technical change to assign responsibility for declaring by resolution or order the creation of the district and the amount of sales and use tax adopted to the commissioners court in the most populous county in the proposed district.

(b) Makes a technical change to assign responsibility for declaring the measure to create the district defeated to the commissioners court in the most populous county in the proposed district.

(d) Makes a technical change to specify that the order issued by a commissioners court canvassing the results of the election must be filed in the deed records of each county within the district.

SECTION 7. Makes technical changes to Section 326.030(a), Local Government Code to assign responsibility for declaring the five persons receiving the highest number of votes to be elected trustees to the commissioners court in the most populous county in the proposed district.

SECTION 8. Makes a technical change to Section 326.042, Local Government Code to the requirement that a person elected to the board of trustees must be a resident of the district and a registered voter of a county in which the district is located.

SECTION 9. Provides that this Act applies only to a library district for which a petition is filed on or after the effective date.

SECTION 10. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

The effective date is September 1, 2007, or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.