

By: Howard of Travis, Aycock, Veasey

H.B. No. 605

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of a library district.

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

SECTION 1. Section 326.003(3), Local Government Code, is amended to read as follows:

(3) "Municipal public library" means a library that is:

(A) financed and operated by a municipality;
~~[and]~~

(B) accredited for membership in the state library system; and

(C) open free of charge to all members of the public under identical conditions.

SECTION 2. Sections 326.022(a), (c), and (d), Local Government Code, are amended to read as follows:

(a) A district may include any contiguous territory within one or more counties ~~[a single county]~~.

(c) If the boundaries of the proposed district include any territory that, on the date on which a petition is filed ~~[an election is ordered]~~ on the question of creating the district, is part of a municipality that operates ~~[operated]~~ a municipal public library, then the governing authority of that municipality must consent by resolution to allow the inclusion of that municipal territory in the proposed district.

1 (d) After a district is created, the district may not be
2 expanded to include additional territory unless the commissioners
3 court of the county in which the territory [~~district~~] is located
4 calls and holds an election for that purpose in the territory to be
5 added to the district. The district is not expanded [~~commissioners
6 court may not expand the district~~] unless a majority of the voters
7 voting at the expansion election approve the expansion of the
8 district.

9 SECTION 3. Section 326.023(a), Local Government Code, is
10 amended to read as follows:

11 (a) Before a district may be created, the commissioners
12 court of each [~~the~~] county in which the proposed district is located
13 must receive an identical [~~a~~] petition signed by at least five
14 percent of the number of voters in the territory of the proposed
15 district who voted in the most recent gubernatorial election.

16 SECTION 4. Section 326.024, Local Government Code, is
17 amended to read as follows:

18 Sec. 326.024. PAYMENT OF ELECTION COSTS. The commissioners
19 court may not order the creation of the district or a confirmation
20 election until the petitioners deposit with the county clerk an
21 amount of money equal to the cost to that county of conducting the
22 creation election of the proposed district, as computed by the
23 county.

24 SECTION 5. Section 326.025(c), Local Government Code, is
25 amended to read as follows:

26 (c) If a petition is granted, the commissioners court shall
27 order an election to confirm the district's creation and to

1 authorize the imposition of a sales and use tax. If the petition
2 indicates that the proposed district will contain territory in more
3 than one county, the commissioners court may not order an election
4 until the commissioners court of each county of the proposed
5 district has granted the petition.

6 SECTION 6. Sections 326.029(a), (b), and (d), Local
7 Government Code, are amended to read as follows:

8 (a) If a majority of the votes received in the election
9 favor the creation of the district and the adoption of the sales and
10 use tax, the commissioners court in the most populous county in the
11 proposed district shall by resolution or order declare that the
12 district is created and shall declare the amount of the local sales
13 and use tax adopted and enter the result in its minutes.

14 (b) If a majority of the votes received in the election are
15 not in favor of [~~against~~] the creation of the district, the
16 commissioners court in the most populous county in the proposed
17 district shall declare the measure defeated and enter the result in
18 its minutes.

19 (d) The order issued by a commissioners court canvassing the
20 results of the election must be filed in the deed records of each
21 [~~the~~] county in which the district is located.

22 SECTION 7. Section 326.030(a), Local Government Code, is
23 amended to read as follows:

24 (a) The commissioners court in the most populous county in
25 the proposed district shall declare the five persons receiving the
26 highest number of votes for trustee to be elected as trustees.

27 SECTION 8. Section 326.042, Local Government Code, is

1 amended to read as follows:

2 Sec. 326.042. REGISTERED VOTER REQUIREMENT. A person may
3 not be elected to the board of trustees unless the person is a
4 resident of the district and a registered voter of a [~~the~~] county in
5 which the district is located.

6 SECTION 9. The change in law made by this Act applies only
7 to a library district for which a petition is filed on or after the
8 effective date of this Act.

9 SECTION 10. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas
12 Constitution. If this Act does not receive the vote necessary for
13 immediate effect, this Act takes effect September 1, 2007.