

## Draft Proposed Changes to the Library Systems Act

### Background:

The Library Systems Act, originally established in 1969, was amended in 1995 to allow for multi-type systems. To date no systems have become multi-type, but now two systems have expressed a strong interest in having other types of libraries as members.

In the years since 1995, methods for accreditation of libraries other than public libraries, best practices for governance of multi-type systems, and changes in the federal legislation governing use of federal funds (used to fund the Texas Library System) have changed, leading to a need to amend the Library Systems Act to allow these systems (and any others in the future) to have a framework that allows them to become multi-type and function effectively.

The proposed changes are designed to be permissive, not mandatory, allowing any system that wishes to become multi-type to do so, but not requiring any system to make this change. Systems that do not wish to become multi-type would continue to operate as currently prescribed. Edits to update language are included.

The Library Services and Technology Act (LSTA) governs the use of the federal funds received by the Texas State Library and Archives Commission (TSLAC). LSTA states that the funds may be used by a state for all types of libraries, including public, academic, school, special, and research libraries.

The purpose of this document is to begin a discussion among Texas librarians regarding what changes might be proposed to the Library Systems Act in the 2009 session of the 81st Legislature. Please feel free to send comments or suggestions to Deborah Littrell.

The proposed changes are shown in the text below.

Gov't Code	Proposed changes:	Discussion:
441.121	SHORT TITLE. This subchapter may be cited as the Library Systems Act. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.	
441.122	DEFINITIONS. In this subchapter: (1) "Accreditation of libraries" means the evaluation and rating of <del>public libraries and library systems, and the evaluation and rating of libraries that are operated by a public school district, institution of higher education, or unit of state or local government but that are not public libraries</del> , according to commission accreditation standards. (2) "Accreditation standards" means the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system. (3) <del>"Area library" means a medium-sized public library serving a population of 25,000 or more that has been designated as an area library by the commission and is a member of a library system interrelated to a major resource center.</del> (4) "Commission" means the Texas State Library and Archives Commission. (5) <del>"Community library" means a small public library serving a population of less than 25,000 that is a member of a library system interrelated to a major resource center.</del> (6) "Governing body" means the body having power to authorize a library to join, participate in, or withdraw from a library system. (7) "Interlibrary contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services. (8) "Library board" means the body that has the authority to give administrative direction or advisory counsel to a library or library system. (9) "Library system" means two or more public libraries cooperating in a system approved by the commission to improve library service and to make their resources accessible to all residents of the area the libraries serve. (10) "Major resource center" means a large public library <del>serving a population of 200,000 or more within 4,000 or more square miles</del> that is designated <u>by the commission</u> as the central library of a major resource system for <del>referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operations with other libraries in the system.</del> (11) "Major resource system" means a network of <del>library systems libraries</del> attached to a major resource center, <del>consisting of area libraries joined cooperatively to the major resource center, community libraries joined cooperatively to area libraries or directly to the major resource center, and libraries that are not public libraries that join the system under Section 441.1274.</del> (12) "Public library" means a library that is operated by a single public agency or board, that is freely open to all persons under identical conditions, and that receives its financial support in whole or part from public funds. (13) "Regional library system" means a network of <del>library systems libraries</del> established under this subchapter. <del>Notwithstanding other provisions of this subchapter, libraries operated by public school districts, institutions of higher education, and units of state</del>	Changes to this section are (1) to remove obsolete concepts (Area and Community Libraries, and emphasis on ILL) that are no longer relevant to the program, and (2) to begin incorporating the concepts of multitype systems for those regions that wish to move in this direction.  There will also need to be renumbering changes once the definitions are agreed upon.

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	<p><del>or local government may become members of a regional library system to make the library resources freely accessible to all residents of the system.</del></p> <p>(14) "State library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state.</p> <p>Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 155, § 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 86, § 20, eff. Sept. 1, 1995.</p>	
441.123	ESTABLISHMENT OF STATE LIBRARY SYSTEM. The commission shall establish and develop a state library system. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.	
441.124	<p>ADVISORY BOARD. (a) The commission shall appoint an advisory board composed of five librarians qualified by training, experience, and interest to advise the commission on the policy to be followed in applying this subchapter. <del>Chapter 2110 does not apply to the composition of the advisory board.</del></p> <p>(b) The term of office of a board member is three years.</p> <p>(c) The board shall meet at least once a year. The commission may call other meetings during the year.</p> <p>(d) A member of the board serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, <del>subject to any applicable limitation on reimbursement provided by the General Appropriations Act.</del></p> <p>(e) A vacancy shall be filled for the remainder of the unexpired term in the same manner as an original appointment.</p> <p>(f) A member may not serve more than two consecutive terms.</p> <p>Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	Updates the language to reflect current state practices. Text is revised to be similar to that in the TexShare statute.
441.125	PLAN OF SERVICE. The director and librarian shall submit an annual plan for the development of the state library system for review by the advisory board and approval by the commission. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.	
441.126	<p>AUTHORITY TO ESTABLISH <del>MAJOR RESOURCE SYSTEMS</del>. The commission may establish and develop major resource systems or regional library systems in conformity with the plan for a state library system as provided by this subchapter.</p> <p>Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 155, § 2, eff. Sept. 1, 1993.</p>	Deletes obsolete, inaccurate language.
441.127	<p>MEMBERSHIP IN SYSTEM. (a) To be eligible for membership in a major resource system or regional library system a library must be accredited by the commission as having met the accreditation standards established by the commission.</p> <p>(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another major resource system, or partially transferred to another major resource system by the commission with the approval of the majority of the appropriate governing bodies of the libraries comprising the system. A regional library system may be reorganized, divided, dissolved, or merged into another regional library system in a manner provided by bylaws of the corporation operating the system or by contract between the member libraries and the managing authority of the system.</p> <p>(c) The governing body of a public library that proposes to become a major resource center shall submit to the director and librarian an <del>initial-annual</del> plan of service for the major resource system <del>and annually after the library becomes a major resource center shall submit a plan of system development</del> made in consultation with the advisory council. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 155, § 3, eff. Sept. 1, 1993.</p>	Deletes obsolete, unnecessary language.
441.1271	<p>EXTENDING MEMBERSHIP OF MAJOR RESOURCE SYSTEMS TO CERTAIN NONPUBLIC LIBRARIES. (a) A major resource system may extend its membership to include libraries that are not public libraries and that are operated by one of the following:</p> <p>(1) a public school district;</p> <p>(2) an institution of higher education;</p> <p>(3) a unit of <del>local, state, or federal</del> government; <del>or</del></p> <p>(4) <del>a unit of local government</del> <del>accredited non-public elementary or secondary schools,</del> <del>or</del></p> <p>(5) <del>special or research libraries.</del></p> <p>(b) The decision to extend major resource system membership under Subsection (a) must be:</p> <p>(1) made <del>on a two-thirds vote of the governing bodies of the members of the major resource system in accordance with the bylaws of the library system;</del> and</p> <p>(2) approved by the commission.</p>	This section describes how a major resource system may add other types of libraries if it wishes to do so. The proposed changes identify the other types of libraries that may be included and it simplifies the process to do this.

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	<p>(c) A library that is a type of library to which a major resource system has extended its membership under this section:  (1) must be accredited by the commission to be eligible to join the system; and  (2) may join the system by resolution or ordinance of its governing body <del>and execution of interlibrary contracts for service.</del></p> <p>(d) The commission may terminate the <del>system</del> membership of a library that is not a public library and that joined a major resource system under this section if the library:  <del>(1) loses its accreditation by ceasing to meet the minimum standards established by the commission; or</del>  <del>(2) fails to comply with obligations stated in the applicable resolution or ordinance or interlibrary contracts for service.</del></p> <p>(e) A library <del>that is not a public library</del> that joins a major resource system under this section must <del>provide benefits to the public through its membership in the system that are sufficient to constitute fair value in exchange for the benefits received by the library through its membership in the system agree to loan materials without charge to users of other libraries in the system.</del></p> <p>(f) A major resource system that has extended its membership to some but not all of the types of libraries described by Subsection (a) may extend its membership to one or more of the remaining types of libraries described by Subsection (a). A decision under this subsection must be made and approved in the manner prescribed for a decision under Subsection (b). Added Acts 1995, 74th Leg., ch. 86, § 21, eff. Sept. 1, 1995.</p>	
441.128	<p>OPERATION AND MANAGEMENT. (a) Governing bodies within a major resource system area or regional library system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.</p> <p>(b) Governing bodies of political subdivisions of the state may negotiate separately or collectively a contract with the governing bodies of member libraries of a major resource system or regional library system for all library services or for those services defined in the contract.</p> <p>(c) On petition of 10 percent of the persons qualified to vote in the most recent general election of a county or municipality within a major resource system service area or a regional library system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the system.</p> <p>(d) The governing body of a major resource center, the governing body or managing authority of a regional library system, and the commission may enter into agreements with the governing bodies of other libraries, including other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of those libraries, to provide or receive specialized resources and services. The commission shall coordinate and encourage the dissemination of specialized resources and services and may adopt rules for the contracts and agreements authorized by this subsection.  Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	
441.129	<p>WITHDRAWAL FROM SYSTEM. (a) The governing body of a political subdivision of the state may by resolution or ordinance withdraw from a major resource system. The governing body must give notice of withdrawal not later than the 90th day before the end of the state fiscal year.</p> <p>(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the commission, with the approval of the majority of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other systems. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	
441.130	<p>ADVISORY COUNCIL. (a) Each major resource system has an advisory council composed of <del>six lay</del><u>up to 12</u> members representing the member libraries of the system.</p> <p><del>(b) The governing body of each member library of the system shall elect or appoint a representative to elect council members. The representatives shall meet following their selection and shall elect the initial council from their group. The representatives in an annual meeting shall elect members of their group to fill council vacancies caused by expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. At all times one member of the council must be a representative of the major resource center.</del></p> <p><del>(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve one-year terms, two to serve two-year terms, and two to serve three-year terms. An individual may not serve more than two</del></p>	<p>These changes are to remove unnecessary specificity from the statutes. This will enable systems to establish advisory councils in different ways, to best meet their local needs and conditions. It also removes the requirement that advisory councils only have lay members.</p>

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	<p><del>consecutive terms.</del></p> <p><del>(d) The council shall elect a chairman, vice chairman, and secretary.</del></p> <p><del>(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. The council shall report business transacted at each meeting to all member libraries of the system.</del></p> <p><del>(f) The members of the council serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.</del></p> <p>(gc) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:</p> <ol style="list-style-type: none"> <li>(1) advise in the formulation of the annual plan for service to be offered by the system;</li> <li>(2) recommend policies appropriate to services needed;</li> <li>(3) evaluate services received;</li> <li>(4) counsel with administrative personnel; and</li> <li>(5) recommend functions and limitations of contracts between cooperating agencies.</li> </ol> <p>(hd) The functions of the advisory council do not diminish the powers of a local library board. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	
441.131	<p>REGIONAL LIBRARY SYSTEM. (a) The governing bodies of two-thirds of the member libraries of a major resource system may elect, for the purpose of administering the receipt and dispersal of services under this subchapter within their area, to form a regional library system that includes all libraries that are members of the major resource system.</p> <p>(b) Governing bodies of libraries within a regional library system may establish a nonprofit corporation under the Texas Non-Profit Corporation Act (<del>Nonprofit Corporations Act, Business Organizations Code, Chapter 22 Article 1396-1.01 et seq., Vernon's Texas Civil Statutes</del>) to administer the system or may contract with a private business to administer the system. If the governing bodies form a nonprofit corporation, they may select a board of directors and adopt bylaws for the corporation. Bylaws adopted or a contract executed under this section may permit other libraries operated by public school districts, institutions of higher education, and units of state or local government to become members of the regional library system. Bylaws may provide for reorganization, merger, division, and dissolution.</p> <p>(c) To ensure the sound management and viability of regional library systems, the commission shall include in its rules provisions stipulating a cash reserve requirement for regional library systems. To enable the accumulation of sufficient reserves for the sole purpose of cash flow management, regional library systems may retain up to five percent of their annual system operation grant general revenue funds from year to year until the commission's reserve requirement is satisfied. These funds must be held in a federally insured account and the commission may provide for periodic reporting of the funds and their inclusion in the annual audit. Interest earned on these funds shall be retained in this account and shall be subject to the same terms and reporting as the corpus. These funds remain the property of the state, and if the commission ceases to contract with a regional library system, such funds must be fully and promptly returned as provided by this section.</p> <p>Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 155, § 4, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 213, § 1, eff. Sept. 1, 1997.</p>	This change updates the citation to the current statutes.
441.132	<p>MAJOR RESOURCE CENTERS. (a) The commission may designate major resource centers from existing public libraries according to criteria approved by the commission and agreed to by the governing body of the library involved. The governing body of a library designated as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.</p> <p>(b) The commission may revoke the designation of a major resource center that ceases to meet the criteria for a major resource center or that fails to comply with obligations stated in the resolution or ordinance agreements. The commission shall provide a fair hearing on request of the major resource center.</p> <p>(c) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the major resource center following procedures agreed to by the contributing agency.</p> <p>(d) The powers of the governing board of the major resource center do not diminish the powers of local library boards. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	
441.133	<p><del>AREA LIBRARIES. (a) The commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which interlibrary contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the commission and agreed to by the governing body of the library involved. The governing body of a library designated as an area library may accept the designation by resolution or ordinance stating</del></p>	Deletes obsolete, unnecessary language.

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	<p><del>the type of service to be given and the area to be served.(b) The commission may revoke the designation of an area library that ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The commission shall provide a fair hearing on request of the major resource center or area library.(c) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the area library following procedures agreed to by the contributing agency.</del>Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987</p>	
114.134	<p><del>COMMUNITY LIBRARIES. (a) Community libraries accredited by the commission are eligible for membership in a major resource system. A community library may join a system by resolution or ordinance of its governing body and execution of interlibrary contracts for service.(b) The commission may terminate the membership of a community library in a system if the community library loses its accreditation by ceasing to meet the minimum standards established by the commission or fails to comply with obligations stated in the resolution or ordinance agreement.</del> Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.</p>	Deletes obsolete, unnecessary language.
441.135	<p>GRANTS. (a) Using state, federal, or other funds, the commission shall establish a program of grants within the limitations of funds appropriated by the legislature. The commission shall adopt by rule the guidelines for awarding grants.  (b) The program of grants shall include one or more of the following:  (1) system operation grants, to:  (A) provide basic system support services to member libraries;  (B) provide coordination and enable cooperation with the commission and with other libraries in a region; and  (C) meet commission and federal goals;  (2) incentive grants, to encourage public libraries to join together into larger units of service to meet commission and federal goals;  (3) establishment grants, to help libraries establish consortia or cooperatives that will enable libraries to better serve their communities;  (4) equalization grants, to help public libraries in communities with relatively limited taxable resources to meet commission and federal goals and qualify for library system membership;  (5) public information technology grants, to help public libraries make state, local, and federal government information that is accessible through the Internet available to the public through computers;  (6) competitive grants, to promote innovation by public libraries and by libraries described by Section 441.1271(a) and to encourage major resource systems or regional library systems and libraries to meet commission and federal goals; and  (7) grants to aid local libraries, to provide assistance to public libraries, and to help those libraries meet commission and federal goals.  Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 155, § 5, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 988, § 1, 2, eff. Aug. 28, 1995. Amended by: Acts 2007, 80th Leg., R.S., Ch. 251, § 5, eff. September 1, 2007.</p>	
441.136	<p>RULES. (a) The director and librarian, with the advice of the advisory board, shall propose <del>initial</del> rules necessary to the administration of the program of state grants, including qualifications for major resource system membership. The proposed rules shall be <del>published in the official publication of the Texas State Library with notice of a public hearing before the commission on the proposed rules to be held on a specified date not less than 30 nor more than 60 days after the date of the publication</del><u>proposed and adopted according to the Texas Register and Administrative Code Act (Government Code Chapter 202).</u>  <del>(b) After the public hearing, the commission shall adopt the proposed rules or return them to the director and librarian with recommendations for change. If the commission returns the proposed rules to the director and librarian with recommendations for change, the director and librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules to the commission for its adoption.</del>  <del>(c) Revised rules shall be adopted under the same procedure provided in this subchapter for the adoption of the initial rules.</del>  (d) The commission shall include requirements in its rules to ensure that <del>both the population served and</del> the constituent member libraries are adequately represented in the conduct of system business relating to activities involved in the development of a plan of service and adequately represented on each major resource system advisory council. Rules adopted as required by this subsection do not apply to the governing board or board of directors of a regional library system governed by applicable requirements of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act (<del>Article 1396-1.01 et seq., Vernon's Texas Civil Statutes</del><u>Nonprofit Corporations Act, Business Organizations Code, Chapter 22</u>).  (e) The commission shall include in its rules provisions necessary to ensure compliance with the standard financial management conditions developed under Chapter 783 with regard to the purchasing of library materials and equipment.  Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 78, §</p>	Deletes obsolete language and replaces it with the current citation to statutes.

Gov't Code	Proposed changes:	Discussion:
	1, eff. Sept. 1, 1997.	
441.137	ADMINISTRATION. The director and librarian shall administer the program of state grants and shall make public the rules adopted by the commission. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987.	
441.138	FUNDING. (a) The commission may use funds appropriated by the legislature for personnel and other administrative expenses necessary to carry out the provisions of this subchapter. (b) Libraries and library systems may use state grants for materials, personnel, equipment, administrative expenses, and financing programs that enrich the services and materials offered a community by its public library. State grants may not be used for site acquisition, construction, acquisition of buildings, or payment of past debts. (c) State aid to a free tax-supported public library is a supplement to and not a replacement of local support. (d) The commission by rule shall adopt a formula for distributing system operation grants among the major resource systems and regional library systems. The formula must include funding for basic system support services. Acts 1987, 70th Leg., ch. 147, § 1, eff. Sept. 1, 1987. Amended by: Acts 2007, 80th Leg., R.S., Ch. 251, § 6, eff. Sept 1, 2007.	
441.1381	COMPETITIVE GRANTS; SYSTEM OPERATION GRANTS. (a) The commission shall design and implement a competitive grant program described by Section 441.135(b)(6) and shall require a recipient of a competitive grant to report to the commission information relating to best practices and performance outcomes. (b) The commission shall continue to provide system operation grants to major resource systems and regional library systems. The commission may not award system operation grants through a competitive process. Added by Acts 2007, 80th Leg., R.S., Ch. 251, § 7, eff. Sept 1, 2007.	
441.1382	ADDITIONAL FUNDING. (a) The commission may authorize a major resource system or regional library system to receive money in addition to the system operation grant, including money from: (1) gifts or grants from the federal government, local or regional governments, private sources, or other sources; (2) contracts for services; (3) cost-sharing arrangements; or (4) other fees. (b) The commission may authorize a major resource system or regional library system to use money received under Subsection (a) to initiate, expand, or enhance activities approved by the commission that meet commission and federal goals. (c) The commission may authorize a major resource system or regional library system to retain money received under Subsection (a) remaining at the end of a fiscal year for activities approved by the commission that meet commission and federal goals. (d) The commission by rule shall require that money received under Subsection (a) must be held in a federally insured account. Interest earned on money in the account shall be retained in the account and is subject to the same terms and reporting requirements as the corpus. (e) The commission by rule may require periodic reporting regarding money received under Subsection (a) and include this information in the annual audit. (f) Money generated through the use of state or federal funds remains the property of the state. If the commission ceases to contract with a major resource system or regional library system, all money received under this section or described by this subsection must be promptly returned to the commission for use in regional library development programs. Added by Acts 2007, 80th Leg., R.S., Ch. 251, § 7, eff. Sept. 1, 2007	
441.1383	GRANTS TO AID LOCAL LIBRARIES. The commission shall design and implement a program of grants to aid local libraries as described by Section 441.135(b)(7) and shall require a recipient of a grant under that program to report to the commission information relating to best practices and performance outcomes. Added by Acts 2007, 80th Leg., R.S., Ch. 251, § 7, eff. Sept. 1, 2007.	
441.139	<del>RESEARCH FEES FOR FOR-PROFIT ENTITIES. (a) Notwithstanding other provisions of this subchapter, a library, including a public library, in a city with a population of 1.18 million or more and that has adopted a council-manager form of government, may charge a reasonable fee to a for-profit business entity for providing in-depth research services or research support relating to the entity's business activities. (b) A library may not charge a fee under this section in circumstances under which charging a fee is not allowed by federal law for federal funding purposes.</del> Added by Acts 1993, 73rd Leg., ch. 729, § 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 669, § 19, eff. Sept. 1, 2001.	Deletes obsolete, unnecessary language.

Gov't Code	Proposed changes:	Discussion:
Local Gov't Code 323.005	<p>LIBRARIAN. (a) If a county library is established, the commissioners court shall employ a county librarian. A person holds the position of county librarian at the pleasure of the commissioners court.</p> <p>(b) <del>A person is not eligible for employment as a county librarian unless the person has first obtained from the Texas State Library and Archives Commission a county librarian's certificate of qualification. If a person has received the certificate and has served as a county librarian, further examination and certification by the commission is not required for employment or reemployment of the person as a county librarian.</del></p> <p>Before beginning to perform duties, a person employed as county librarian must file with the county clerk the official oath and, at the discretion of the commissioners court, execute a bond conditioned that the person will faithfully perform the duties of the position. The bond must be in an amount determined by the commissioners court and must be purchased from sufficient sureties approved by the county judge.</p> <p>(c) The county librarian shall attempt to provide equal and complete service to all areas of the county through branch libraries and deposit stations in schools and other suitable locations and shall distribute books, other printed matter, and other educational materials as quickly as circumstances permit. The librarian may make rules for the operation of the county library, establish branch libraries and deposit stations in the county, determine the number and type of employees needed by the library, and hire and dismiss the employees in the same manner as provided by the commissioners court for other county departments. The librarian shall, subject to the general rules adopted by the commissioners court, develop and manage the library in accordance with accepted rules of library management and shall determine which books and library equipment will be purchased.</p> <p>(d) On or before October 1 of each year, the county librarian shall report to the commissioners court and the state librarian on the operation of the county library during the year ending on the preceding August 31. The report must be made on a form furnished by the state librarian and must contain a statement of the condition of the library and a statement of its operation during the year and must contain financial and book statistics customarily kept by well-regulated libraries. Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 69(a), eff. Aug. 28, 1989.</p>	<p>When the statutes regarding County Librarian Certification were repealed, this provision was overlooked.</p> <p>We would be interested in hearing whether county librarians see other provisions in this section that should be amended or deleted. If there are other provisions of Chapter 323 that you wish to see revised, let us know.</p>
Local Gov't Code 323.011	<p>PARTICIPATION WITH AN ESTABLISHED LIBRARY. (a) Instead of establishing a county library, the commissioners court of a county may contract for library privileges from an established library.</p> <p>(b) The contract must provide that the established library assume the functions of a county library within the county, including municipalities in the county, <del>and must provide that the librarian of the established library hold or secure a county librarian's certificate from the Texas State Library and Archives Commission.</del> The commissioners court may contract to pay annually to the established library out of the general fund of the county an amount on which the parties may agree.</p> <p>(c) Either party to the contract may terminate it by giving to the other party six months' notice of its intention to do so. Property acquired under the contract is subject to division on termination of the contract on terms specified in the contract. Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 382, § 1, eff. Aug. 30, 1993.</p>	See above.