

PUBLIC CHAPTER NO. 631

SENATE BILL NO. 2507

By Harper

Substituted for: House Bill No. 3227

By Kernell, Cooper, Rowe

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 10, Chapter 1, relative to the state library and archives management board.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-228(a), is amended by deleting subdivision (34) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 10-1-101, is amended by deleting the language "in the state library and archives management board, created by 10-1-102," and substituting instead the word "are".

SECTION 3. Tennessee Code Annotated, Section 10-1-102, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 10-1-104, is amended by deleting the section in its entirety and substituting instead the following language:

§ 10-1-104.

(a) The functions of the secretary of state, acting through the division of public libraries and archives, shall include specifically the following:

(1) The collection and preservation of archival material and materials of historical, documentary and reference value, and such literary works or printed matter as may be considered by the division of special interest to the citizenship of Tennessee;

(2) The distribution and exchange of such publications of the state as may become available from time to time;

(3) The collection and distribution of reference material to state officials and employees and such public agencies as may be entitled thereto;

(4) The encouragement of library development throughout the state by means of advice, guidance, and library extension services, in the course of which the division is empowered to enter into local, regional or interstate contracts with competent agencies in the furtherance of library

services. Such contracts are subject to the prior approval by the secretary of state; and

(5) Such other functions as may be designated and authorized from time to time or as may properly belong to the administration of an up-to-date library and archives for the state.

(b) The enumeration of the specific items above shall not be deemed to exclude any other activities that the division may think proper to be handled by it and by the state librarian and archivist.

(c)(1) The secretary of state is authorized to contract with the library board of a public library of any county or city for the purpose of establishing and funding library positions for such local public library. The secretary of state shall establish the minimum qualifications for eligibility and the minimum salary schedule for such positions. The secretary of state shall establish the matching formula of state and local funds to be used in the funding of the positions for which a contract is made.

(2) Any local legislative body, which appropriates funds for its library system, shall approve any contract established under this section before the contract may take effect.

SECTION 5. Tennessee Code Annotated, Section 10-1-105, is amended by deleting the section in its entirety and substituting instead the following:

The secretary of state, acting through the division of public libraries and archives, shall be responsible for the proper administration of this chapter, and shall establish policies to govern the administration of the state library system. Such division shall have custody of and be responsible for the properties of the state library system, including such properties as may be assigned to it in the future. The secretary of state is authorized to establish such policies, rules, and regulations as may be necessary to govern the use of such properties and the use and disposition of materials under the secretary's jurisdiction, including the circulation of books from the library.

SECTION 6. Tennessee Code Annotated, Section 10-1-106, is amended by deleting the language "management board" wherever it appears and substituting instead the language "secretary of state" and by deleting the word "its" in the last sentence of the section and substituting the word "the".

SECTION 7. Tennessee Code Annotated, Section 10-1-107, is amended by deleting the section in its entirety and substituting instead the following language:

§ 10-1-107.

(a) The secretary of state has the authority to create such positions as necessary to effectively carry on library programs. The secretary of state is authorized to make such appointments or dismissals to positions as deemed necessary to conduct the affairs of the library program.

(b) The secretary of state is authorized to expend funds for the special training and formal education of library personnel; provided, that such personnel shall agree to work in the state library system for at least two (2) years after the completion of the training and education.

SECTION 8. Tennessee Code Annotated, Section 10-1-108, is amended by deleting the section in its entirety and substituting instead the following language:

§ 10-1-108.

The secretary of state has the authority to call upon other state agencies for information, publications and related material needed to discharge the secretary's duties, and may confer and cooperate with other agencies, whether federal, state or local, in order to more effectively carry out the program. It is the legislative intent that this chapter shall be broadly construed and applied in the interest of making the state library function to the best advantage of the citizenship of the state.

SECTION 9. Tennessee Code Annotated, Section 10-1-109, is amended by deleting the language ", within policies adopted by the management board," and by deleting the language "by the secretary of state".

SECTION 10. Tennessee Code Annotated, Section 10-1-110, is amended by deleting the language "The management board is authorized to:" and substituting instead the language "The secretary of state is authorized to:".

SECTION 11. Tennessee Code Annotated, Section 10-1-111, is amended by deleting the language "state library and archives management board" and substituting instead the language "secretary of state" and by deleting the language "as may be mutually deemed by the board" and substituting instead the language "as may be mutually deemed by the secretary of state".

SECTION 12. Tennessee Code Annotated, Section 10-1-112(c), is amended by deleting the language "state library and archives management board established at 10-1-102" and substituting instead the language "secretary of state".

SECTION 13. Tennessee Code Annotated, Section 10-1-112(e), is amended by deleting the language "state library and archives management board" and substituting instead the language "secretary of state".

SECTION 14. Tennessee Code Annotated, Section 10-1-201, is amended by deleting the language ", shall attend all meetings of the state library and archives management board, and shall have a voice but no vote in the proceedings".

SECTION 15. Tennessee Code Annotated, Section 10-1-202, is amended by deleting the language "acting under the direction and with the approval of the management board and".

SECTION 16. Tennessee Code Annotated, Section 10-1-204, is amended by deleting the language ", acting with the approval of the management board,".

SECTION 17. Tennessee Code Annotated, Section 10-5-101, is amended by deleting the section in its entirety and substituting instead the following language:

§ 10-5-101. Two (2) or more counties which have qualified for participation in the state's multi-county regional library program and which have been recognized as a region by the secretary of state and have made the minimum local appropriation of funds as may now or hereafter be required by the secretary of state, are hereby empowered and authorized to execute contracts with each other to create a regional library board to assist the secretary of state, acting through the division of public libraries and archives, in administering and controlling the regional library services within the region. Each county shall be represented by two (2) members of the regional library board. The contract shall be authorized by a resolution of the legislative body of the county desiring to participate and the county executive shall execute the contract as authorized in the resolution, and such contract shall be attested by the county clerk. After the governing body of a county authorizes participation, municipalities within the county may participate in the regional library service so long as the county participates. Counties and municipalities may appropriate funds for this purpose. A single county, which is large enough to constitute a region and has been so recognized by the secretary of state, may also create a regional library board by executing a contract between the county and one (1) or more cities within the county. There shall be at least seven (7) board members apportioned among county and municipalities according to the ratio of population in each participating municipality and in the county outside the municipalities, based on the most recent federal census.

SECTION 18. Tennessee Code Annotated, Section 10-5-106(b), is amended by deleting the language "state library and archives management board" and substituting instead the language "secretary of state".

SECTION 19. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: March 3, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of March 2008



PHIL BREDESEN, GOVERNOR