

CHAPTER 691

H.B. No. 387

An Act relating to the placement of reading devices for blind and visually handicapped persons in public libraries in certain cities and in the libraries of state institutions of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 89, Revised Statutes, is amended by adding Article 5441e to read as follows:

Art. 5441e. READING DEVICES FOR VISUALLY HANDICAPPED PERSONS

Sec. 1. DEFINITIONS. *In this article:*

(1) "Institution of higher education" has the meaning assigned by Section 61.003(7), Education Code.

(2) "Public library" means a library operated by a single public agency or board that is freely open to all persons under identical conditions and receives part of its financial support from public funds.

(3) "Reading device" means a small computer that has an optical scanner that converts written words into synthetic speech.

(4) "State library" means the Texas State Library.

Sec. 2. PLACEMENT OF READING DEVICES IN PUBLIC LIBRARIES. (a) A public library in a city with a population of at least 50,000 according to the most recent federal census shall provide a reading device for use by blind and visually handicapped persons.

(b) The reading device required by this section shall be placed in the branch of the public library that is most easily accessible to the majority of the blind and visually handicapped persons expected to use the device.

Sec. 3. PLACEMENT OF READING DEVICES IN COLLEGE LIBRARIES. (a) Each institution of higher education in which at least two blind students are enrolled shall provide a reading device for use in its library by blind and visually handicapped persons.

(b) Each institution shall place the reading device provided under this section in the library that is most easily accessible to the majority of the blind and visually handicapped persons expected to use the device.

Sec. 4. STATE LIBRARY ASSISTANCE. (a) From funds appropriated for the purpose, the state library shall acquire the necessary number of reading devices and provide one to each library required by Section 2 or 3 of this article to have a reading device. The state library shall provide the device at no cost to the library and shall be responsible for all costs of maintaining the device for two years after the library receives the device.

(b) After a reading device has been located in a library for two years, the library is responsible for all costs of maintaining the device.

(c) If a library determines that it is financially unable to pay maintenance costs under Subsection (b) of this section, the library may apply to the state library for an exemption from the requirements of Section 2(a) or 3(a) of this article. If the state library determines that the library is

unable to maintain the reading device properly and that the lack of maintenance will result in the deterioration of the device, the state library shall exempt the library from the requirements of Section 2(a) or 3(a) of this article and reclaim the reading device.

(d) The state library shall distribute a reading device reclaimed under Subsection (c) of this section to a public library that requests a reading device, whether or not required by this article to have a device, or to an institution of higher education that requests an additional reading device. In placing a device under this subsection, the state library shall give priority to a library or institution that demonstrates the greatest need for the device.

Sec. 5. TRAINING, MAINTENANCE, AND INFORMATION. (a) The state library shall provide training in the use of the reading devices to:

(1) library employees in a public library where a reading device is provided under Section 2(a) or 4(d) of this article; and

(2) library employees on the campus of each institution of higher education that provides a reading device under Section 3(a) or 4(d) of this article and that requests assistance with training its employees.

(b) The state library shall develop guidelines for the use and maintenance of a reading device provided to a library under this article.

(c) The state library shall contract with an organization for blind and visually handicapped persons to develop and distribute to the public information regarding the locations and use of reading devices provided under this article.

Sec. 6. FUNDING FOR READING DEVICES. The requirements of this article for the provision and placement of reading devices for blind and visually handicapped persons by the state library, public libraries, and institutions of higher education are contingent on adequate appropriations to the state library for the purchase and maintenance of the devices.

SECTION 2. The Texas State Library shall purchase a sufficient number of reading devices for blind and visually handicapped persons for placement under Article 5441e, Revised Statutes, as added by this Act, and shall develop guidelines for use and maintenance of the devices as required by that article, not later than December 31, 1985.

SECTION 3. Each institution of higher education required by Article 5441e, Revised Statutes, as added by this Act, to provide a reading device for blind and visually handicapped persons, shall install the device provided by the Texas State Library not later than December 31, 1986.

SECTION 4. After the certification of the General Appropriations Act by the comptroller of public accounts and upon his further certification that funds are available to accomplish any or all of the purposes of this Act, there is hereby appropriated a sum not to exceed \$1.9 million to the Texas State Library. The state library is directed to give preference to the placement of reading devices in public libraries in cities with the largest populations in descending order according to the most recent federal census.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 1, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 387 on May 27, 1985, by the following vote: Yeas 136, Nays 1, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate, with amendments, on May 26, 1985, by the following vote: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Certified by Comptroller of Public Accounts, May 31, 1985, that the amounts appropriated herein are within amounts estimated to be available in the affected fund.

Approved: June 14, 1985

Effective: Immediately