

BILL ANALYSIS

C.S.H.B. 2697
By: Phillips
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 441.157, Government Code, enacted during the passage of the Local Government Records Act in 1989, provides that the Texas State Library and Archives Commission will administer a grant-in-aid program “for the purpose of aiding local governments in the establishment of records management programs or for the purposes of preserving historically valuable local government records.” The legislature has never appropriated funds for the program, but the need for a grant program is as great today as it was in 1989.

The Texas Historical Records Advisory Board recently completed a series of focus groups throughout the state. The board found that the historically valuable records of local governments are at serious risk. Funding and training are needed to help ensure that these records are not lost to future generations.

C.S.H.B. 2697 would create the Texas Historical Government Records Preservation Fund to aid counties with the preservation of records.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Adds Subchapter O to Chapter 441 of the Government Code to allow the Texas State Library and Archives Commission to establish a program of state grants to counties, municipalities, other local governmental entities to preserve, repair, restore, manage and provide public access to historically valuable records. The grants may also be used to establish or enhance efficient records management programs. Allows the commission to adopt rules for the administration of the grant program. Establishes that the amount of funding is subject to appropriations.

Allows the commission to preserve, repair, restore, manage and provide access to historical governmental records in the possession of the state.

Provides that the commission may adopt rules to provide for emergency grants to local governments to assist in the recovery of records damaged by fire, flood, or other natural or man-made disaster. Further outlines other related uses of funds.

Establishes an advisory committee to advise the commission in its adoption of rules.

SECTION 2. Repeals Section 441.157, Government Code, the Grant-In-Aid program which currently helps preserve historically valuable local government records.

SECTION 3. Effective date.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes the \$2.50 filing fee on the first page of real property records which was originally the funding source of the grants. Instead, the provisions of the bill are subject to appropriations.