

By: Hilderbran

H.B. No. 2902

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance and preservation of historical courthouses and records.

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

SECTION 1. Chapter 441, Government Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. TEXAS HISTORICAL GOVERNMENT RECORDS PRESERVATION

Sec. 441.261. DEFINITION; HISTORICAL GOVERNMENT RECORDS.

(a) In this subchapter, "commission" means the Texas State Library and Archives Commission.

(b) For purposes of this subchapter, historical government records include:

(1) any local government record with a retention period established as permanent or for which a review for possible historical value is required in a local government records retention schedule issued under Section 441.158; and

(2) any state record identified as an archival state record or subject to review as a potential archival state record by the state archivist under Section 441.186.

Sec. 441.262. TEXAS HISTORICAL GOVERNMENT RECORDS PRESERVATION GRANTS. (a) The commission may establish a program of state grants to counties, municipalities, other local governmental entities, and state governmental entities to preserve the historically valuable records of the governments of this state.

1 (b) The commission may award the grants to enable grant
2 recipients to:

3 (1) preserve, repair, restore, manage, and provide
4 public access to historical government records in the custody of
5 the recipient; and

6 (2) establish or enhance efficient records management
7 programs to ensure that current records of historical value or
8 potential historical value in the custody of the recipient are
9 identified, managed, and preserved.

10 (c) The commission may adopt any necessary rules for the
11 administration of the grant program, including rules relating to
12 eligibility for and the terms of grants awarded under this section.

13 (d) The commission shall approve any award of grants made
14 under this section in open meetings in accordance with Chapter 551.

15 (e) The commission shall determine the amount to be used for
16 the award of grants under this section, subject to appropriations.

17 Sec. 441.263. STATE ARCHIVES. (a) The commission may
18 preserve, repair, restore, manage, and provide access to the
19 historical government records in the custody of the commission,
20 including records in any regional historical resource depository
21 established by agreement under Section 441.153 or in any regional
22 research center established and operated by the commission under
23 Section 441.154.

24 (b) The commission may determine the amount to be used for
25 activities under this section, subject to appropriations.

26 Sec. 441.264. EMERGENCY DISASTER RECOVERY GRANTS. (a) The
27 commission may make emergency grants to local governments to assist

1 them in the recovery of records damaged by fire, flood, or other
2 natural or man-made disaster.

3 (b) The commission may adopt any necessary rules for the
4 administration of emergency disaster recovery grants, including
5 rules relating to eligibility for and the terms and conditions of an
6 emergency grant.

7 (c) The commission may determine the amount to be used for
8 emergency disaster recovery grants under this section, subject to
9 appropriations.

10 Sec. 441.265. OTHER RELATED USES. (a) The commission may,
11 subject to appropriations:

12 (1) provide training in archival and records
13 management principles and practices to local government officials;

14 (2) provide advanced training in the preservation of
15 electronic records of historical value;

16 (3) provide funding for other projects determined by
17 the commission to be of benefit in the preservation of historical
18 government records; and

19 (4) pay for personnel and administrative expenses
20 incurred by the commission associated with grants, programs, and
21 other activities under this subchapter.

22 (b) The commission may determine the amount to be used for
23 programs and activities under this section, subject to
24 appropriations.

25 Sec. 441.266. ADVISORY COMMITTEES. The local government
26 records committee established under Section 441.161 and the Texas
27 Historical Records Advisory Board established under Section

1 441.242 shall advise the commission in its adoption of rules under
2 Sections 441.262 and 441.264.

3 SECTION 2. The heading to Section 442.0081, Government
4 Code, is amended to read as follows:

5 Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION AND
6 MAINTENANCE PROGRAMS [~~PROGRAM~~]; GRANTS AND LOANS.

7 SECTION 3. Section 442.0081, Government Code, is amended by
8 adding Subsection (g-1) and amending Subsection (h) to read as
9 follows:

10 (g-1) To help protect courthouses that have benefited from
11 the historic courthouse preservation program, the commission shall
12 develop and implement a maintenance program to assist counties
13 receiving money under the preservation program in continuing to
14 maintain, repair, and preserve the courthouses. The maintenance
15 program may include offering to periodically inspect the
16 courthouses and offering counties technical assistance and
17 information on best practices in maintaining the courthouses.

18 (h) The commission shall adopt rules necessary to implement
19 the historic courthouse preservation and maintenance programs
20 [~~program~~].

21 SECTION 4. Section 442.0083(f), Government Code, is amended
22 to read as follows:

23 (f) Biennial appropriations to the commission for
24 administering the historic courthouse preservation and maintenance
25 programs [~~program~~] during a state fiscal biennium, including
26 providing oversight for historic courthouse projects, may not
27 exceed 2-1/2 [~~one~~] percent of the amount appropriated for

1 implementing the historic courthouse preservation and maintenance
2 programs [~~program~~] during the state fiscal biennium.

3 SECTION 5. Section 441.157, Government Code, is repealed.

4 SECTION 6. This Act takes effect September 1, 2005.