

By: Duncan

S.B. No. 1857

A BILL TO BE ENTITLED

AN ACT

relating to the designation and custody of archival state records.

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

SECTION 1. Section 441.186, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The state archivist, through review of state records retention schedules submitted to the state records administrator under Section 441.185 and other means available under this section, shall promptly identify and designate which state records are archival state records or which state records of potential archival value shall be subject to the review of the state archivist prior to their destruction.

(a-1) If the state archivist fails to identify archival state records or state records of archival potential within 45 business days after the date the state records administrator received a state records retention schedule under Section 441.185, the state records that are subject to the retention schedule, along with any records acquired under Subsection (b) or (c), must be returned to the respective state agency that submitted the schedule, and the duty and authority to designate those state records as archival state records or of archival potential under this subsection shall transfer to that state agency.

SECTION 2. Subsection (a), Section 441.187, Government

1 Code, is amended to read as follows:

2 (a) A state record may be destroyed by a state agency if:

3 (1) the record appears on a records retention schedule
4 approved under Section 441.185 and the record's retention period
5 has expired;

6 (2) a records destruction request is submitted to the
7 state records administrator and approved by the director and
8 librarian, or the designee of the director and librarian, for a
9 state record that does not appear on the approved records retention
10 schedule of the agency; ~~or~~

11 (3) the record is exempted from the need to be listed
12 on a records destruction request under rules adopted by the
13 commission; or

14 (4) the state archivist returned the record to the
15 state agency under Section 441.186(a-1) and the state agency did
16 not designate the record as archival or of potential archival
17 value.

18 SECTION 3. This Act takes effect September 1, 2007.