

SENATE AMENDMENTS

2nd Printing

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H.B. No. 1962

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Texas State
3 Library and Archives Commission.

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

5 SECTION 1. Section 441.001(q), Government Code, is amended
6 to read as follows:

7 (q) The Texas State Library and Archives Commission is
8 subject to Chapter 325 (Texas Sunset Act). Unless continued in
9 existence as provided by that chapter, the commission is abolished
10 September 1, 2031 [~~2019~~].

11 SECTION 2. Section 441.0011, Government Code, is amended by
12 amending Subsection (b) and adding Subsection (d) to read as
13 follows:

14 (b) The training program must provide the person with
15 information regarding:

16 (1) the law governing [~~legislation that created the~~]
17 commission operations;

18 (2) the programs, functions, rules, and budget of the
19 commission;

20 (3) the scope of and limitations on the rulemaking
21 authority of the commission;

22 (4) the results of the most recent formal audit of the
23 commission;

24 (5) [~~(4)~~] the requirements of:

1 (A) laws relating to open meetings, public
2 information, administrative procedure, and disclosing conflicts of
3 interest; and

4 (B) other laws applicable to members of a state
5 policymaking body in performing their duties; and

6 (6) [~~5~~] any applicable ethics policies adopted by
7 the commission or the Texas Ethics Commission.

8 (d) The director and librarian shall create a training
9 manual that includes the information required by Subsection (b).
10 The director and librarian shall distribute a copy of the training
11 manual annually to each member of the commission. Each member of
12 the commission shall sign and submit to the director and librarian a
13 statement acknowledging that the member received and has reviewed
14 the training manual.

15 SECTION 3. Section 441.006(b), Government Code, is amended
16 to read as follows:

17 (b) The commission may:

18 (1) purchase, as state property, any suitable book,
19 picture, or similar item, within the limits of the annual
20 legislative appropriation;

21 (2) receive a donation or gift of money, property, or
22 services on any terms and conditions it considers proper as long as
23 the state does not incur financial liability;

24 (3) accept, receive, and administer federal funds made
25 available by grant or loan to improve the public libraries of this
26 state;

27 (4) contract or agree with the governing body or head

1 of a county, city, or town of this state to meet the terms
2 prescribed by the United States and consistent with state law for
3 the expenditure of federal funds for improving public libraries;
4 ~~[and]~~

5 (5) participate in the establishment and operation of
6 an affiliated nonprofit organization whose purpose is to raise
7 funds for or provide services or other benefits to the commission;
8 and

9 (6) use general revenue, grants, donations, gifts,
10 and, if authorized by federal law, federal funds to advertise and
11 promote commission programs and increase participation in and
12 awareness of those programs.

13 SECTION 4. Subchapter A, Chapter 441, Government Code, is
14 amended by adding Section 441.0065 to read as follows:

15 Sec. 441.0065. ADVISORY COMMITTEES. (a) The commission
16 may establish an advisory committee to make recommendations to the
17 commission on programs, rules, and policies affecting the delivery
18 of information services in the state.

19 (b) In establishing an advisory committee under this
20 section, the commission shall adopt rules regarding:

21 (1) the purpose, role, responsibility, and goals of
22 the committee;

23 (2) the size and quorum requirement of the committee;

24 (3) qualifications for committee membership;

25 (4) appointment procedures for members;

26 (5) terms of service for members;

27 (6) training requirements for members;

1 (7) a periodic review process to evaluate the
2 continuing need for the committee; and

3 (8) a requirement that committee meetings be open to
4 the public.

5 SECTION 5. Sections 441.0945(a) and (b), Government Code,
6 are amended to read as follows:

7 (a) A county record may be destroyed if the record is listed
8 on a valid [the] records schedule and implementation plan [accepted
9 for filing by the director and librarian] and either its retention
10 period has expired or it has been microfilmed or stored
11 electronically in accordance with applicable law.

12 (b) The retention period of a record as listed on [director
13 and librarian or a person on the staff of the director and librarian
14 may reject] the records schedule and implementation plan must be at
15 least as long as [for a record if the retention period of the record
16 as listed on the plan is less than] the retention period for the
17 record established on a records retention schedule issued by the
18 commission [by the county records manual. If the plan is rejected,
19 the director and librarian or staff person shall file with the
20 custodian the rejected schedule and a statement of the reasons for
21 rejection not later than the 30th day after the date the director
22 and librarian or staff person received the records schedule and
23 implementation plan. If a schedule is rejected under this
24 subsection, the custodian may submit an amended schedule].

25 SECTION 6. Sections 441.095(d) and (e), Government Code,
26 are amended to read as follows:

27 (d) A custodian may dispose of a county record that is not

1 listed on a records retention schedule issued by the commission if,
2 not ~~[Not]~~ later than the 10th day before the date the ~~[a]~~ record is
3 destroyed, the custodian files and records ~~[shall file and record]~~
4 a notice with the county clerk. The notice must indicate the record
5 to be destroyed, how it is to be destroyed, and the date of its
6 destruction. On the day the notice is filed, the county clerk shall
7 post a copy of it in the same manner that a notice of a meeting is
8 posted under Chapter 551.

9 (e) The custodian may destroy the record at any time after
10 ~~[the director and librarian has approved the destruction and]~~ the
11 notice required by Subsection (d) has been posted for 10 days by the
12 county clerk.

13 SECTION 7. Section 441.153, Government Code, is amended by
14 amending Subsection (f) and adding Subsection (g) to read as
15 follows:

16 (f) Except as otherwise provided by Subsection (g), title
17 ~~[Title]~~ to historical resources placed in a depository by the
18 commission remains with the commission, and the historical
19 resources may not be intermingled with other holdings of the
20 institution that serves as a depository.

21 (g) A depository may apply to the commission to transfer to
22 the depository title to local historical resources placed in the
23 depository by the commission. The commission shall approve the
24 application only if the transfer of title is in the state's best
25 interest. The commission, in consultation with depositories, shall
26 adopt rules providing an application procedure and standards for
27 evaluating applications to transfer title to local historical

1 resources to depositories. This subsection does not authorize the
2 commission to transfer title to state historical resources.

3 SECTION 8. Section 441.167, Government Code, is amended to
4 read as follows:

5 Sec. 441.167. ASSISTANCE [~~STATUTORY FILING~~] AND
6 INFORMATION [~~REVIEW~~]. The director and librarian may designate
7 employees of the commission to provide assistance and information
8 to local governments on records management issues under [~~act as~~
9 ~~deputies in the approval or disapproval or acceptance or rejection~~
10 ~~for filing of any records control schedule, destruction~~
11 ~~authorization request, electronic storage authorization request,~~
12 ~~or other statutory filing required by~~] Subtitle C, Title 6, Local
13 Government Code, or rules adopted under it.

14 SECTION 9. Subchapter J, Chapter 441, Government Code, is
15 amended by adding Section 441.169 to read as follows:

16 Sec. 441.169. DUTIES OF LOCAL GOVERNMENTS. Each local
17 government shall:

18 (1) submit to the director and librarian the name of
19 the local government's records management officer identified under
20 Section 203.001, Local Government Code, or designated under Section
21 203.025, Local Government Code, and the name of the new officer in
22 the event of a change;

23 (2) file a plan or an ordinance or order establishing a
24 records management program and any amendments to the plan or
25 ordinance or order with the director and librarian as required by
26 Sections 203.005 and 203.026, Local Government Code;

27 (3) notify the commission at least 10 days before

1 destroying a local government record that does not appear on a
2 records retention schedule issued by the commission; and

3 (4) file with the director and librarian a written
4 certification as provided by Section 203.041, Local Government
5 Code, that the local government has prepared a records control
6 schedule that:

7 (A) establishes a retention period for each local
8 government record as required by Subchapter C, Chapter 203, Local
9 Government Code; and

10 (B) complies with a local government records
11 retention schedule distributed by the director and librarian under
12 Section 441.158 and any other state and federal requirements.

13 SECTION 10. Subchapter L, Chapter 441, Government Code, is
14 amended by adding Sections 441.1815, 441.1935, 441.1965, 441.206,
15 441.207, and 441.208 to read as follows:

16 Sec. 441.1815. STATE ARCHIVES STRATEGIC PLAN. The
17 commission, with input from interested persons, shall develop and
18 implement a comprehensive strategic plan regarding the state
19 archives. The commission shall update the strategic plan at least
20 once every five years. The strategic plan must include:

21 (1) an assessment of any current archives backlog;

22 (2) a prioritized list of projects and goals related
23 to the state archives;

24 (3) an evaluation of the resources needed to achieve
25 the commission's goals related to the state archives, including the
26 impact that different amounts of those resources are expected to
27 have on the commission's ability to achieve those goals;

1 (4) performance measures, targets, and timeframes for
2 achieving the commission's goals related to the state archives;

3 (5) a mechanism for regular reporting to the
4 commission on progress toward achieving the commission's goals
5 related to the state archives; and

6 (6) opportunities and standards for entering into
7 collaborative agreements with interested persons regarding the
8 state archives.

9 Sec. 441.1935. REQUIREMENTS FOR REQUESTS FOR INFORMATION
10 HELD BY STATE ARCHIVES PROGRAM. (a) The commission shall
11 promulgate a form that persons must use to request access to
12 information held by the state archives program. The form must allow
13 the requestor to designate the request as either a request for
14 public information made under Chapter 552 or as a research request
15 not subject to the requirements of that chapter. The form must
16 include:

17 (1) a plain-language explanation of the difference
18 between a request for public information made under Chapter 552 and
19 a research request not subject to the requirements of that chapter;

20 (2) the requirements for making and responding to each
21 type of request; and

22 (3) an option for the requestor to change the type of
23 request at any time.

24 (b) Notwithstanding any other law, a request for
25 information held by the state archives program is considered to be a
26 request for public information under Chapter 552 only if the
27 requestor makes the request using the form described by Subsection

1 (a) and on the form designates the request as a request for public
2 information under Chapter 552.

3 Sec. 441.1965. SALE OF REPLICAS FROM STATE ARCHIVES. (a)
4 The commission may sell replicas of archival state records and
5 other historical resources in its custody subject to the approval
6 of the commission.

7 (b) Money received from the sale of replicas under
8 Subsection (a) shall be deposited in the general revenue fund and
9 may be appropriated only to the commission for the purposes of
10 preservation, digitization, archives information services, and
11 education.

12 Sec. 441.206. ARCHIVAL LEGISLATIVE RECORDS. (a) Except as
13 otherwise provided by this section, the commission shall preserve
14 archival state records of the legislature in the same manner as
15 other archival state records under Section 441.181.

16 (b) Notwithstanding Section 441.181(a), Section
17 441.193(a), or other law, the legislative entity that transferred
18 the state records to the commission retains ownership and legal
19 custody of the records held by the state archives program,
20 including records placed in a depository outside the Texas State
21 Library and Archives. The legislative entity may retrieve the
22 records for the legislature's use. The commission shall assist the
23 legislative entity with retrieval of the records and shall return
24 the records to the state archives program following the
25 legislature's use.

26 (c) The commission shall protect privileged or confidential
27 legislative state records held by the state archives program from

1 public disclosure at the direction of the legislative entity that
2 transferred the records to the commission.

3 (d) The commission shall receive requests under Chapter 552
4 for legislative state records held by the state archives program
5 and respond as directed by the officer for public information of the
6 legislative entity that transferred the state records to the
7 commission. The commission shall notify the appropriate officer
8 for public information as soon as practicable after receiving a
9 request described by this subsection.

10 Sec. 441.207. RECORDS OF MEMBER OF LEGISLATURE. (a) A
11 member of the legislature may apply to the commission to place
12 records of the member's legislative office created or received
13 during the member's term of office in a depository other than the
14 Texas State Library and Archives.

15 (b) The commission shall:

16 (1) create a list of preapproved depositories in which
17 members of the legislature may place records of their legislative
18 offices, including regional historical resource depositories
19 described by Section 441.153; and

20 (2) by rule adopt policies and procedures to approve
21 additional depositories.

22 (c) The commission is responsible for the preservation of
23 records described by Subsection (a) placed in a depository other
24 than the Texas State Library and Archives. Ownership and legal
25 custody of the records remain with the legislature as provided by
26 Section 441.206. The records may not be intermingled with other
27 holdings of the institution that serves as a depository.

1 Sec. 441.208. ELECTION TO DISCLOSE LEGISLATIVE
2 CORRESPONDENCE. (a) The commission shall promulgate a form that a
3 member of the legislature or lieutenant governor may use before
4 leaving office to elect to disclose records described by Section
5 306.003, communications described by Section 306.004, or
6 communications, information, advice, or opinions described by
7 Section 323.017 created or received during the member's or
8 lieutenant governor's term of office. The form must include a
9 plain-language description of state law relating to
10 confidentiality of that information and the effects of electing to
11 disclose that information.

12 (b) The commission by rule shall adopt policies and
13 procedures relating to distributing, collecting, and reviewing
14 forms described by Subsection (a). The rule must describe the roles
15 and responsibilities of the commission, house and senate records
16 management officers, and the offices of members of the legislature
17 and lieutenant governor in making elections described by Subsection
18 (a).

19 (c) The commission shall maintain the confidentiality of
20 information described by Subsection (a) unless the appropriate
21 member of the legislature or lieutenant governor elects to disclose
22 the information.

23 SECTION 11. Section 202.001(a), Local Government Code, is
24 amended to read as follows:

25 (a) A local government record may be destroyed if:

26 (1) the record is listed on a valid records control
27 schedule [~~accepted for filing by the director and librarian as~~

1 ~~provided by Section 203.041]~~ and either its retention period has
2 expired or it has been microfilmed or stored electronically in
3 accordance with the requirements of Chapters 204 and 205;

4 (2) the record appears on a list of obsolete records
5 ~~[approved by the director and librarian]~~ as provided by Section
6 203.044; or

7 (3) the ~~[a destruction request is filed with and~~
8 ~~approved by the director and librarian as provided by Section~~
9 ~~203.045 for a]~~ record is not listed on a records retention ~~[an~~
10 ~~approved control]~~ schedule issued by the commission and the local
11 government provides notice to the commission at least 10 days
12 before destroying the record as required by Section 441.169,
13 Government Code.

14 SECTION 12. Section 203.002, Local Government Code, is
15 amended to read as follows:

16 Sec. 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY
17 OFFICERS AS RECORDS MANAGEMENT OFFICERS. The elected county
18 officer shall:

19 (1) develop policies and procedures for the
20 administration of an active and continuing records management
21 program;

22 (2) administer the records management program so as to
23 reduce the costs and improve the efficiency of recordkeeping;

24 (3) ~~[prepare and file with the director and librarian~~
25 ~~the records control schedules and amended schedules required by~~
26 ~~Section 203.041 and the list of obsolete records as provided by~~
27 ~~Section 203.044,~~

1 ~~[(4) prepare requests for authorization to destroy~~
2 ~~records not on an approved control schedule as provided by Section~~
3 ~~203.045, requests to destroy the originals of permanent records~~
4 ~~that have been microfilmed as provided by Section 204.008, and~~
5 ~~electronic storage authorization requests as provided by Section~~
6 ~~205.007;~~

7 ~~[(5)]~~ identify and take adequate steps to preserve
8 records that are of permanent value;

9 (4) ~~[(6)]~~ identify and take adequate steps to protect
10 the essential records of the office;

11 (5) ~~[(7)]~~ ensure that the maintenance, preservation,
12 microfilming, destruction, or other disposition of records is
13 carried out in accordance with the policies and procedures of the
14 records management program and the requirements of this subtitle
15 and rules adopted under it; and

16 (6) ~~[(8)]~~ cooperate with the commission in its conduct
17 of statewide records management surveys.

18 SECTION 13. Section 203.023, Local Government Code, is
19 amended to read as follows:

20 Sec. 203.023. DUTIES OF RECORDS MANAGEMENT OFFICER. The
21 records management officer in each local government shall:

22 (1) assist in establishing and developing policies and
23 procedures for a records management program for the local
24 government;

25 (2) administer the records management program and
26 provide assistance to custodians for the purposes of reducing the
27 costs and improving the efficiency of recordkeeping;

1 (3) in cooperation with the custodians of the
2 records, ~~+~~

3 ~~[(A)]~~ prepare ~~[and file with the director and~~
4 ~~librarian]~~ the records control schedules and amended schedules
5 required by Section 203.041 and the list of obsolete records as
6 provided by Section 203.044 ~~+, and~~

7 ~~[(B) prepare or direct the preparation of~~
8 ~~requests for authorization to destroy records not on an approved~~
9 ~~control schedule as provided by Section 203.045, of requests to~~
10 ~~destroy the originals of permanent records that have been~~
11 ~~microfilmed as provided by Section 204.008, and of electronic~~
12 ~~storage authorization requests as provided by Section 205.007];~~

13 (4) in cooperation with custodians, identify and take
14 adequate steps to preserve local government records that are of
15 permanent value;

16 (5) in cooperation with custodians, identify and take
17 adequate steps to protect essential local government records;

18 (6) in cooperation with custodians, ensure that the
19 maintenance, preservation, microfilming, destruction, or other
20 disposition of records is carried out in accordance with the
21 policies and procedures of the local government's records
22 management program and the requirements of this subtitle and rules
23 adopted under it;

24 (7) disseminate to the governing body and custodians
25 information concerning state laws, administrative rules, and the
26 policies of the government relating to local government records;
27 and

1 (8) in cooperation with custodians, establish
2 procedures to ensure that the handling of records in any context of
3 the records management program by the records management officer or
4 those under the officer's authority is carried out with due regard
5 for:

6 (A) the duties and responsibilities of
7 custodians that may be imposed by law; and

8 (B) the confidentiality of information in
9 records to which access is restricted by law.

10 SECTION 14. The heading to Section 203.041, Local
11 Government Code, is amended to read as follows:

12 Sec. 203.041. PREPARATION [~~AND FILING~~] OF RECORDS CONTROL
13 SCHEDULES.

14 SECTION 15. Sections 203.041(a), (d), (f), and (g), Local
15 Government Code, are amended to read as follows:

16 (a) On or before January 4, 1999, the records management
17 officer shall [~~prepare and file with the director and librarian~~]:

18 (1) prepare a records control schedule listing the
19 following records and establishing a retention period for each as
20 provided by Section 203.042:

21 (A) all records created or received by the local
22 government or elective county office;

23 (B) any record no longer created or received by
24 the local government or elective county office that is still in its
25 possession and for which the retention period on a records
26 retention schedule issued by the commission has not expired; and

27 (C) any record no longer created or received by

1 the local government or elective county office that is still in its
2 possession and for which the retention period on a records
3 retention schedule issued by the commission has expired but which
4 will not be destroyed as provided by Section 203.044; and ~~[or]~~

5 (2) ~~[the records management officer, in lieu of filing~~
6 ~~a records control schedule, may]~~ file with the director and
7 librarian a written certification of compliance that the local
8 government or the elective county office has adopted records
9 control schedules that comply with the minimum requirements
10 established on records retention schedules issued by the
11 commission.

12 (d) The records management officer shall review the records
13 control schedules of the local government or elective county office
14 and prepare amendments to the schedules as needed to reflect new
15 records created or received by the government or office or
16 revisions to retention periods established in a records retention
17 schedule issued by the commission. The records management officer
18 shall file with the director and librarian a written certification
19 of compliance that the local government or the elective county
20 office has amended the records control schedules to comply with the
21 minimum requirements established on records retention schedules
22 issued by the commission ~~[Amendments to records control schedules~~
23 ~~shall be filed with the director and librarian in the same manner as~~
24 ~~the original schedules]~~.

25 (f) Records control schedules may be prepared ~~[filed]~~ on an
26 office-by-office basis or on a department-by-department basis
27 within each office.

1 (g) A local government that intends to retain all records
2 permanently or that destroys only those records for which no
3 retention periods have been established in a records retention
4 schedule established under Section 441.158, Government Code, is not
5 required to prepare [~~submit~~] a records control schedule under this
6 section.

7 SECTION 16. Section 204.007(a), Local Government Code, is
8 amended to read as follows:

9 (a) The [~~Except as provided by Section 204.008, the~~]
10 original of a record that has been microfilmed pursuant to this
11 chapter and rules adopted under it may be destroyed before the
12 expiration of its retention period on a records retention schedule
13 issued by the commission.

14 SECTION 17. Sections 205.008(a) and (c), Local Government
15 Code, are amended to read as follows:

16 (a) The source document, if any, for electronically stored
17 local government record data covered by rules adopted under Section
18 205.003(a) [~~205.007(a)~~] may be destroyed or returned to the person
19 who filed it for record [~~if the electronic storage authorization~~
20 ~~request is approved~~].

21 (c) The source document, if any, for electronically stored
22 local government record data not covered by rules adopted under
23 Section 205.003(a) [~~205.007(a)~~] may be destroyed before the
24 expiration of the retention period for the source document in a
25 records retention schedule issued by the commission if the magnetic
26 tape, optical disk, or similar medium and hardware and software
27 necessary to provide access to local government record data on the

1 media are retained for the retention period in the schedule.
2 Conversely, the magnetic tape, optical disk, or similar medium may
3 be erased, written over, or destroyed before the expiration of the
4 retention period for a source document for local government record
5 data not covered by rules adopted under Section 205.003(a)
6 [~~205.007(a)~~], if the source document, if any, is retained until the
7 expiration of its retention period or, if the source document has
8 already been destroyed, paper or microfilm copies are generated
9 from the magnetic tape, optical disk, or similar medium before
10 destruction or erasure and retained until the expiration of the
11 retention period for the source document.

12 SECTION 18. (a) The following provisions of the Government
13 Code are repealed:

- 14 (1) Section 441.094(e);
- 15 (2) Section 441.0945(c); and
- 16 (3) Sections 441.095(a), (b), and (c).

17 (b) The following provisions of the Local Government Code
18 are repealed:

- 19 (1) Sections 203.041(c) and (h);
- 20 (2) Section 203.042(c);
- 21 (3) Section 203.043;
- 22 (4) Sections 203.044(c) and (d); and
- 23 (5) Sections 203.045, 204.008, and 205.007.

24 SECTION 19. (a) Except as provided by Subsection (b) of
25 this section, Section 441.0011, Government Code, as amended by this
26 Act, applies to a member of the Texas State Library and Archives
27 Commission who is appointed before, on, or after the effective date

1 of this Act.

2 (b) A member of the Texas State Library and Archives
3 Commission who, before the effective date of this Act, completed
4 the training program required by Section 441.0011, Government Code,
5 as that law existed before the effective date of this Act, is only
6 required to complete additional training on the subjects added by
7 this Act to the training program required by Section 441.0011,
8 Government Code. A commission member described by this subsection
9 may not vote, deliberate, or be counted as a member in attendance at
10 a meeting of the commission held on or after December 1, 2019, until
11 the member completes the additional training.

12 (c) Not later than March 1, 2020, the Texas State Library
13 and Archives Commission shall promulgate a form as required by
14 Section 441.1935, Government Code, as added by this Act.

15 (d) Not later than September 1, 2020, the Texas State
16 Library and Archives Commission shall:

17 (1) adopt rules providing an application process and
18 standards for transfer of title to local historical resources under
19 Section 441.153(g), Government Code, as added by this Act;

20 (2) develop a strategic plan for the state archives
21 program as required by Section 441.1815, Government Code, as added
22 by this Act;

23 (3) create a list of preapproved depositories and
24 adopt rules for approving additional depositories as required by
25 Section 441.207, Government Code, as added by this Act; and

26 (4) promulgate a form and adopt rules relating to the
27 procedure for electing to disclose legislative correspondence as

1 required by Section 441.208, Government Code, as added by this Act.

2 (e) Section 441.206, Government Code, as added by this Act,
3 applies to an archival record of the legislature transferred to the
4 Texas State Library and Archives Commission before, on, or after
5 the effective date of this Act.

6 (f) Rules adopted under Section 441.207, Government Code,
7 as added by this Act, apply only to a member of the legislature
8 leaving office after September 1, 2020.

9 SECTION 20. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

Debra Spaul
Secretary of the Senate

new sub

By: Hall

H.B. No. 1960

Substitute the following for ___B. No. ___:

By: Robert Lee Nichols

C.S. ___B. No. ___

A BILL TO BE ENTITLED

AN ACT

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relating to the continuation and functions of the Texas State Library and Archives Commission, including the custody and ownership of certain state records.

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

SECTION 1. Chapter 324, Government Code, is amended by adding Sections 324.0085 and 324.0086 to read as follows:

Sec. 324.0085. LEGISLATIVE RECORDS. (a) The library is the depository for any record created or received by the office of a member of the legislature or the lieutenant governor during that official's term of office.

(b) The legislative entity that transferred records to the library retains ownership and legal custody of those records, including records placed in a depository outside the library. The legislative entity may retrieve the records for the legislature's use. The director and library employees shall assist the legislative entity with retrieval of the records and shall return the records to the library following the legislature's use.

(c) The director shall protect privileged or confidential legislative records held by the library from public disclosure at the direction of the legislative entity that transferred the records to the library.

(d) The director shall receive requests under Chapter 552 for legislative records held by the library and respond as directed

1 by the officer for public information of the legislative entity
2 that transferred the records to the library. The director shall
3 notify the appropriate officer for public information as soon as
4 practicable after receiving a request described by this subsection.

5 Sec. 324.0086. PLACEMENT IN OTHER DEPOSITORY. (a) A
6 member of the legislature may apply to the board to place records
7 that were created or received by the member's office during the
8 member's term in a depository other than the library.

9 (b) The board shall:

10 (1) create a list of preapproved depositories in which
11 members of the legislature may place records of their legislative
12 offices; and

13 (2) by rule adopt policies and procedures to approve
14 additional depositories.

15 (c) The director is responsible for the preservation of
16 records described by Subsection (a) placed in a depository other
17 than the library. Ownership and legal custody of the records remain
18 with the legislature as provided by Section 324.0085. The records
19 may not be intermingled with other holdings of the institution that
20 serves as a depository.

21 SECTION 2. Section 441.001(q), Government Code, is amended
22 to read as follows:

23 (q) The Texas State Library and Archives Commission is
24 subject to Chapter 325 (Texas Sunset Act). Unless continued in
25 existence as provided by that chapter, the commission is abolished
26 September 1, 2031 [2019].

27 SECTION 3. Section 441.0011, Government Code, is amended by

1 amending Subsection (b) and adding Subsection (d) to read as
2 follows:

3 (b) The training program must provide the person with
4 information regarding:

5 (1) the law governing [~~legislation that created the~~]
6 commission operations;

7 (2) the programs, functions, rules, and budget of the
8 commission;

9 (3) the scope of and limitations on the rulemaking
10 authority of the commission;

11 (4) the results of the most recent formal audit of the
12 commission;

13 (5) [~~(4)~~] the requirements of:

14 (A) laws relating to open meetings, public
15 information, administrative procedure, and disclosing conflicts of
16 interest; and

17 (B) other laws applicable to members of a state
18 policymaking body in performing their duties; and

19 (6) [~~(5)~~] any applicable ethics policies adopted by
20 the commission or the Texas Ethics Commission.

21 (d) The director and librarian shall create a training
22 manual that includes the information required by Subsection (b).
23 The director and librarian shall distribute a copy of the training
24 manual annually to each member of the commission. Each member of
25 the commission shall sign and submit to the director and librarian a
26 statement acknowledging that the member received and has reviewed
27 the training manual.

1 SECTION 4. Section 441.006(b), Government Code, is amended
2 to read as follows:

3 (b) The commission may:

4 (1) purchase, as state property, any suitable book,
5 picture, or similar item, within the limits of the annual
6 legislative appropriation;

7 (2) receive a donation or gift of money, property, or
8 services on any terms and conditions it considers proper as long as
9 the state does not incur financial liability;

10 (3) accept, receive, and administer federal funds made
11 available by grant or loan to improve the public libraries of this
12 state;

13 (4) contract or agree with the governing body or head
14 of a county, city, or town of this state to meet the terms
15 prescribed by the United States and consistent with state law for
16 the expenditure of federal funds for improving public libraries;
17 ~~and~~

18 (5) participate in the establishment and operation of
19 an affiliated nonprofit organization whose purpose is to raise
20 funds for or provide services or other benefits to the commission;
21 and

22 (6) use general revenue, grants, donations, gifts,
23 and, if authorized by federal law, federal funds to advertise and
24 promote commission programs and increase participation in and
25 awareness of those programs.

26 SECTION 5. Subchapter A, Chapter 441, Government Code, is
27 amended by adding Section 441.0065 to read as follows:

1 Sec. 441.0065. ADVISORY COMMITTEES. (a) The commission
2 may establish an advisory committee to make recommendations to the
3 commission on programs, rules, and policies affecting the delivery
4 of information services in the state.

5 (b) In establishing an advisory committee under this
6 section, the commission shall adopt rules regarding:

7 (1) the purpose, role, responsibility, and goals of
8 the committee;

9 (2) the size and quorum requirement of the committee;

10 (3) qualifications for committee membership;

11 (4) appointment procedures for members;

12 (5) terms of service for members;

13 (6) training requirements for members;

14 (7) a periodic review process to evaluate the
15 continuing need for the committee; and

16 (8) a requirement that committee meetings be open to
17 the public.

18 SECTION 6. Sections 441.0945(a) and (b), Government Code,
19 are amended to read as follows:

20 (a) A county record may be destroyed if the record is listed
21 on a valid ~~[the]~~ records schedule and implementation plan ~~[accepted~~
22 ~~for filing by the director and librarian]~~ and either its retention
23 period has expired or it has been microfilmed or stored
24 electronically in accordance with applicable law.

25 (b) The retention period of a record as listed on ~~[director~~
26 ~~and librarian or a person on the staff of the director and librarian~~
27 ~~may reject]~~ the records schedule and implementation plan must be at

1 least as long as [~~for a record if the retention period of the record~~
2 ~~as listed on the plan is less than~~] the retention period for the
3 record established on a records retention schedule issued by the
4 commission [~~by the county records manual. If the plan is rejected,~~
5 ~~the director and librarian or staff person shall file with the~~
6 ~~custodian the rejected schedule and a statement of the reasons for~~
7 ~~rejection not later than the 30th day after the date the director~~
8 ~~and librarian or staff person received the records schedule and~~
9 ~~implementation plan. If a schedule is rejected under this~~
10 ~~subsection, the custodian may submit an amended schedule].~~

11 SECTION 7. Sections 441.095(d) and (e), Government Code,
12 are amended to read as follows:

13 (d) A custodian may dispose of a county record that is not
14 listed on a records retention schedule issued by the commission if,
15 not [~~Not~~] later than the 10th day before the date the [~~a~~] record is
16 destroyed, the custodian files and records [~~shall file and record~~]
17 a notice with the county clerk. The notice must indicate the record
18 to be destroyed, how it is to be destroyed, and the date of its
19 destruction. On the day the notice is filed, the county clerk shall
20 post a copy of it in the same manner that a notice of a meeting is
21 posted under Chapter 551.

22 (e) The custodian may destroy the record at any time after
23 [~~the director and librarian has approved the destruction and~~] the
24 notice required by Subsection (d) has been posted for 10 days by the
25 county clerk.

26 SECTION 8. Section 441.153, Government Code, is amended by
27 amending Subsection (f) and adding Subsection (g) to read as

1 follows:

2 (f) Except as otherwise provided by Subsection (g), title
3 [Title] to historical resources placed in a depository by the
4 commission remains with the commission, and the historical
5 resources may not be intermingled with other holdings of the
6 institution that serves as a depository.

7 (g) A depository may apply to the commission to transfer to
8 the depository title to local historical resources placed in the
9 depository by the commission. The commission shall approve the
10 application only if the transfer of title is in the state's best
11 interest. The commission, in consultation with depositories, shall
12 adopt rules providing an application procedure and standards for
13 evaluating applications to transfer title to local historical
14 resources to depositories. This subsection does not authorize the
15 commission to transfer title to state historical resources.

16 SECTION 9. Section 441.167, Government Code, is amended to
17 read as follows:

18 Sec. 441.167. ASSISTANCE [~~STATUTORY FILING~~] AND
19 INFORMATION [~~REVIEW~~]. The director and librarian may designate
20 employees of the commission to provide assistance and information
21 to local governments on records management issues under [~~act as~~
22 ~~deputies in the approval or disapproval or acceptance or rejection~~
23 ~~for filing of any records control schedule, destruction~~
24 ~~authorization request, electronic storage authorization request,~~
25 ~~or other statutory filing required by] Subtitle C, Title 6, Local
26 Government Code, or rules adopted under it.~~

27 SECTION 10. Subchapter J, Chapter 441, Government Code, is

1 amended by adding Section 441.169 to read as follows:

2 Sec. 441.169. DUTIES OF LOCAL GOVERNMENTS. Each local
3 government shall:

4 (1) submit to the director and librarian the name of
5 the local government's records management officer identified under
6 Section 203.001, Local Government Code, or designated under Section
7 203.025, Local Government Code, and the name of the new officer in
8 the event of a change;

9 (2) file a plan or an ordinance or order establishing a
10 records management program and any amendments to the plan or
11 ordinance or order with the director and librarian as required by
12 Sections 203.005 and 203.026, Local Government Code;

13 (3) notify the commission at least 10 days before
14 destroying a local government record that does not appear on a
15 records retention schedule issued by the commission; and

16 (4) file with the director and librarian a written
17 certification as provided by Section 203.041, Local Government
18 Code, that the local government has prepared a records control
19 schedule that:

20 (A) establishes a retention period for each local
21 government record as required by Subchapter C, Chapter 203, Local
22 Government Code; and

23 (B) complies with a local government records
24 retention schedule distributed by the director and librarian under
25 Section 441.158 and any other state and federal requirements.

26 SECTION 11. Section 441.180, Government Code, is amended by
27 adding Subdivision (6-a) and amending Subdivisions (9) and (11) to

1 read as follows:

2 (6-a) "Legislative record" means any record created or
3 received by the office of a member of the legislature or the
4 lieutenant governor during the official's term of office.

5 (9) "State agency" means:

6 (A) any department, commission, board, office,
7 or other agency in the executive, legislative, or judicial branch
8 of state government created by the constitution or a statute of this
9 state and includes~~[, including]~~ an eleemosynary institution but
10 does not include the office of a member of the legislature or the
11 lieutenant governor;

12 (B) any university system and its components and
13 any institution of higher education as defined by Section 61.003,
14 Education Code, except a public junior college, not governed by a
15 university system board;

16 (C) the Texas Municipal Retirement System and the
17 Texas County and District Retirement System; and

18 (D) any public nonprofit corporation created by
19 the legislature whose responsibilities and authority are not
20 limited to a geographical area less than that of the state.

21 (11) "State record" means any written, photographic,
22 machine-readable, or other recorded information created or
23 received by or on behalf of a state agency or an elected state
24 official that documents activities in the conduct of state business
25 or use of public resources. The term includes any recorded
26 information created or received by a Texas government official in
27 the conduct of official business, including officials from periods

1 in which Texas was a province, colony, republic, or state. The term
2 does not include:

3 (A) library or museum material made or acquired
4 and maintained solely for reference or exhibition purposes;

5 (B) an extra copy of recorded information
6 maintained only for reference; [~~or~~]

7 (C) a stock of publications or blank forms; or

8 (D) a legislative record.

9 SECTION 12. Subchapter L, Chapter 441, Government Code, is
10 amended by adding Sections 441.1815, 441.1935, and 441.1965 to read
11 as follows:

12 Sec. 441.1815. STATE ARCHIVES STRATEGIC PLAN. The
13 commission, with input from interested persons, shall develop and
14 implement a comprehensive strategic plan regarding the state
15 archives. The commission shall update the strategic plan at least
16 once every five years. The strategic plan must include:

17 (1) an assessment of any current archives backlog;

18 (2) a prioritized list of projects and goals related
19 to the state archives;

20 (3) an evaluation of the resources needed to achieve
21 the commission's goals related to the state archives, including the
22 impact that different amounts of those resources are expected to
23 have on the commission's ability to achieve those goals;

24 (4) performance measures, targets, and timeframes for
25 achieving the commission's goals related to the state archives;

26 (5) a mechanism for regular reporting to the
27 commission on progress toward achieving the commission's goals

1 related to the state archives; and

2 (6) opportunities and standards for entering into
3 collaborative agreements with interested persons regarding the
4 state archives.

5 Sec. 441.1935. REQUIREMENTS FOR REQUESTS FOR INFORMATION
6 HELD BY STATE ARCHIVES PROGRAM. (a) The commission shall
7 promulgate a form that persons must use to request access to
8 information held by the state archives program. The form must allow
9 the requestor to designate the request either as a request for
10 public information made under Chapter 552 or as a research request
11 not subject to the requirements of that chapter. The form must
12 include:

13 (1) a plain-language explanation of the difference
14 between a request for public information made under Chapter 552 and
15 a research request not subject to the requirements of that chapter;

16 (2) the requirements for making and responding to each
17 type of request; and

18 (3) an option for the requestor to change the type of
19 request at any time.

20 (b) Notwithstanding any other law, a request for
21 information held by the state archives program is considered to be a
22 request for public information under Chapter 552 only if the
23 requestor makes the request using the form described by Subsection
24 (a) and on the form designates the request as a request for public
25 information under Chapter 552.

26 Sec. 441.1965. SALE OF REPLICAS FROM STATE ARCHIVES. (a)
27 The commission may sell replicas of archival state records and

1 other historical resources in its custody subject to the approval
2 of the commission.

3 (b) Money received from the sale of replicas under
4 Subsection (a) shall be deposited to the credit of a dedicated
5 account in the general revenue fund and may be appropriated only to
6 the commission for the purposes of preservation, digitization,
7 archives information services, and education.

8 SECTION 13. Section 202.001(a), Local Government Code, is
9 amended to read as follows:

10 (a) A local government record may be destroyed if:

11 (1) the record is listed on a valid records control
12 schedule [~~accepted for filing by the director and librarian as~~
13 ~~provided by Section 203.041~~] and either its retention period has
14 expired or it has been microfilmed or stored electronically in
15 accordance with the requirements of Chapters 204 and 205;

16 (2) the record appears on a list of obsolete records
17 [~~approved by the director and librarian~~] as provided by Section
18 203.044; or

19 (3) the [~~a destruction request is filed with and~~
20 ~~approved by the director and librarian as provided by Section~~
21 ~~203.045 for a~~] record is not listed on a records retention [~~an~~
22 ~~approved control~~] schedule issued by the commission and the local
23 government provides notice to the commission at least 10 days
24 before destroying the record as required by Section 441.169,
25 Government Code.

26 SECTION 14. Section 203.002, Local Government Code, is
27 amended to read as follows:

1 Sec. 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY
2 OFFICERS AS RECORDS MANAGEMENT OFFICERS. The elected county
3 officer shall:

4 (1) develop policies and procedures for the
5 administration of an active and continuing records management
6 program;

7 (2) administer the records management program so as to
8 reduce the costs and improve the efficiency of recordkeeping;

9 (3) ~~[prepare and file with the director and librarian~~
10 ~~the records control schedules and amended schedules required by~~
11 ~~Section 203.041 and the list of obsolete records as provided by~~
12 ~~Section 203.044,~~

13 ~~[(4) prepare requests for authorization to destroy~~
14 ~~records not on an approved control schedule as provided by Section~~
15 ~~203.045, requests to destroy the originals of permanent records~~
16 ~~that have been microfilmed as provided by Section 204.008, and~~
17 ~~electronic storage authorization requests as provided by Section~~
18 ~~205.007,~~

19 ~~[(5)]~~ identify and take adequate steps to preserve
20 records that are of permanent value;

21 (4) ~~[(6)]~~ identify and take adequate steps to protect
22 the essential records of the office;

23 (5) ~~[(7)]~~ ensure that the maintenance, preservation,
24 microfilming, destruction, or other disposition of records is
25 carried out in accordance with the policies and procedures of the
26 records management program and the requirements of this subtitle
27 and rules adopted under it; and

1 (6) [~~8~~] cooperate with the commission in its conduct
2 of statewide records management surveys.

3 SECTION 15. Section 203.023, Local Government Code, is
4 amended to read as follows:

5 Sec. 203.023. DUTIES OF RECORDS MANAGEMENT OFFICER. The
6 records management officer in each local government shall:

7 (1) assist in establishing and developing policies and
8 procedures for a records management program for the local
9 government;

10 (2) administer the records management program and
11 provide assistance to custodians for the purposes of reducing the
12 costs and improving the efficiency of recordkeeping;

13 (3) in cooperation with the custodians of the
14 records, [+

15 [~~(A)~~] prepare [~~and file with the director and~~
16 ~~librarian~~] the records control schedules and amended schedules
17 required by Section 203.041 and the list of obsolete records as
18 provided by Section 203.044 [~~, and~~

19 [~~(B)~~ prepare or direct the preparation of
20 ~~requests for authorization to destroy records not on an approved~~
21 ~~control schedule as provided by Section 203.045, of requests to~~
22 ~~destroy the originals of permanent records that have been~~
23 ~~microfilmed as provided by Section 204.008, and of electronic~~
24 ~~storage authorization requests as provided by Section 205.007];~~

25 (4) in cooperation with custodians, identify and take
26 adequate steps to preserve local government records that are of
27 permanent value;

1 (5) in cooperation with custodians, identify and take
2 adequate steps to protect essential local government records;

3 (6) in cooperation with custodians, ensure that the
4 maintenance, preservation, microfilming, destruction, or other
5 disposition of records is carried out in accordance with the
6 policies and procedures of the local government's records
7 management program and the requirements of this subtitle and rules
8 adopted under it;

9 (7) disseminate to the governing body and custodians
10 information concerning state laws, administrative rules, and the
11 policies of the government relating to local government records;
12 and

13 (8) in cooperation with custodians, establish
14 procedures to ensure that the handling of records in any context of
15 the records management program by the records management officer or
16 those under the officer's authority is carried out with due regard
17 for:

18 (A) the duties and responsibilities of
19 custodians that may be imposed by law; and

20 (B) the confidentiality of information in
21 records to which access is restricted by law.

22 SECTION 16. The heading to Section 203.041, Local
23 Government Code, is amended to read as follows:

24 Sec. 203.041. PREPARATION [~~AND FILING~~] OF RECORDS CONTROL
25 SCHEDULES.

26 SECTION 17. Sections 203.041(a), (d), (f), and (g), Local
27 Government Code, are amended to read as follows:

1 (a) On or before January 4, 1999, the records management
2 officer shall [~~prepare and file with the director and librarian~~]:

3 (1) prepare a records control schedule listing the
4 following records and establishing a retention period for each as
5 provided by Section 203.042:

6 (A) all records created or received by the local
7 government or elective county office;

8 (B) any record no longer created or received by
9 the local government or elective county office that is still in its
10 possession and for which the retention period on a records
11 retention schedule issued by the commission has not expired; and

12 (C) any record no longer created or received by
13 the local government or elective county office that is still in its
14 possession and for which the retention period on a records
15 retention schedule issued by the commission has expired but which
16 will not be destroyed as provided by Section 203.044; and [~~or~~]

17 (2) [~~the records management officer, in lieu of filing~~
18 ~~a records control schedule, may~~] file with the director and
19 librarian a written certification of compliance that the local
20 government or the elective county office has adopted records
21 control schedules that comply with the minimum requirements
22 established on records retention schedules issued by the
23 commission.

24 (d) The records management officer shall review the records
25 control schedules of the local government or elective county office
26 and prepare amendments to the schedules as needed to reflect new
27 records created or received by the government or office or

1 revisions to retention periods established in a records retention
2 schedule issued by the commission. The records management officer
3 shall file with the director and librarian a written certification
4 of compliance that the local government or the elective county
5 office has amended the records control schedules to comply with the
6 minimum requirements established on records retention schedules
7 issued by the commission [~~Amendments to records control schedules~~
8 ~~shall be filed with the director and librarian in the same manner as~~
9 ~~the original schedules~~].

10 (f) Records control schedules may be prepared [~~filed~~] on an
11 office-by-office basis or on a department-by-department basis
12 within each office.

13 (g) A local government that intends to retain all records
14 permanently or that destroys only those records for which no
15 retention periods have been established in a records retention
16 schedule established under Section 441.158, Government Code, is not
17 required to prepare [~~submit~~] a records control schedule under this
18 section.

19 SECTION 18. Section 204.007(a), Local Government Code, is
20 amended to read as follows:

21 (a) The [~~Except as provided by Section 204.008, the~~]
22 original of a record that has been microfilmed pursuant to this
23 chapter and rules adopted under it may be destroyed before the
24 expiration of its retention period on a records retention schedule
25 issued by the commission.

26 SECTION 19. Sections 205.008(a) and (c), Local Government
27 Code, are amended to read as follows:

1 (a) The source document, if any, for electronically stored
2 local government record data covered by rules adopted under Section
3 205.003(a) [~~205.007(a)~~] may be destroyed or returned to the person
4 who filed it for record [~~if the electronic storage authorization~~
5 ~~request is approved~~].

6 (c) The source document, if any, for electronically stored
7 local government record data not covered by rules adopted under
8 Section 205.003(a) [~~205.007(a)~~] may be destroyed before the
9 expiration of the retention period for the source document in a
10 records retention schedule issued by the commission if the magnetic
11 tape, optical disk, or similar medium and hardware and software
12 necessary to provide access to local government record data on the
13 media are retained for the retention period in the schedule.
14 Conversely, the magnetic tape, optical disk, or similar medium may
15 be erased, written over, or destroyed before the expiration of the
16 retention period for a source document for local government record
17 data not covered by rules adopted under Section 205.003(a)
18 [~~205.007(a)~~], if the source document, if any, is retained until the
19 expiration of its retention period or, if the source document has
20 already been destroyed, paper or microfilm copies are generated
21 from the magnetic tape, optical disk, or similar medium before
22 destruction or erasure and retained until the expiration of the
23 retention period for the source document.

24 SECTION 20. (a) The following provisions of the Government
25 Code are repealed:

- 26 (1) Section 441.094(e);
27 (2) Section 441.0945(c); and

1 (3) Sections 441.095(a), (b), and (c).

2 (b) The following provisions of the Local Government Code
3 are repealed:

4 (1) Sections 203.041(c) and (h);

5 (2) Section 203.042(c);

6 (3) Section 203.043;

7 (4) Sections 203.044(c) and (d); and

8 (5) Sections 203.045, 204.008, and 205.007.

9 SECTION 21. (a) Except as provided by Subsection (b) of
10 this section, Section 441.0011, Government Code, as amended by this
11 Act, applies to a member of the Texas State Library and Archives
12 Commission who is appointed before, on, or after the effective date
13 of this Act.

14 (b) A member of the Texas State Library and Archives
15 Commission who, before the effective date of this Act, completed
16 the training program required by Section 441.0011, Government Code,
17 as that law existed before the effective date of this Act, is only
18 required to complete additional training on the subjects added by
19 this Act to the training program required by Section 441.0011,
20 Government Code. A commission member described by this subsection
21 may not vote, deliberate, or be counted as a member in attendance at
22 a meeting of the commission held on or after December 1, 2019, until
23 the member completes the additional training.

24 (c) Not later than March 1, 2020, the Texas State Library
25 and Archives Commission shall promulgate a form as required by
26 Section 441.1935, Government Code, as added by this Act.

27 (d) Not later than September 1, 2020, the Texas State

1 Library and Archives Commission shall:

2 (1) adopt rules providing an application process and
3 standards for transfer of title to local historical resources under
4 Section 441.153(g), Government Code, as added by this Act; and

5 (2) develop a strategic plan for the state archives
6 program as required by Section 441.1815, Government Code, as added
7 by this Act.

8 (e) Not later than September 1, 2020:

9 (1) the Texas State Library and Archives Commission
10 shall transfer custody and ownership of all legislative records, as
11 defined by Section 441.180(6-a), Government Code, as added by this
12 Act, to the Legislative Reference Library; and

13 (2) the Legislative Library Board shall create a list
14 of preapproved depositories and adopt rules as required by Section
15 324.0086(b), Government Code, as added by this Act.

16 SECTION 22. This Act takes effect September 1, 2019.

FLOOR AMENDMENT NO. 1

BY: Chick Watson

1 Amend H.B. No. 1967 by adding the following appropriately
2 numbered SECTION to the bill and renumbering SECTIONS of the bill
3 accordingly:

4 SECTION _____. (a) Subject to Subsection (b) of this
5 section, as soon as practicable after the effective date of this
6 Act, the General Land Office on behalf of the State of Texas shall
7 grant to the City of Austin, by an appropriate instrument of
8 conveyance, a permanent easement in the property owned by the State
9 of Texas and described by Subsection (d) of this section.

10 (b) Consideration for the easement to be granted under
11 Subsection (a) of this section is the requirement that the City of
12 Austin use the easement primarily to promote a public purpose of the
13 state by using the easement primarily as a sidewalk, trail, and
14 recreation easement and thereby promoting public health and general
15 welfare and providing recreation, beautification, and civic
16 improvement. The easement automatically terminates if the City of
17 Austin:

18 (1) uses the easement in a manner that fails to promote
19 a public purpose of the state described by this subsection of this
20 section; or

21 (2) sells or transfers all or any part of the easement.

22 (c) The City of Austin shall reimburse the General Land
23 Office for the expenses incurred by the General Land Office in
24 connection with granting the easement under this section of this
25 Act.

26 (d) The easement referred to in this section is in the
27 property described as follows:

28 DESCRIPTION OF A 0.667 OF ONE ACRE TRACT OF LAND
29 LOCATED IN THE GEORGE W. SPEAR SURVEY, ABSTRACT

1 NO. 697, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT
2 TRACT OF LAND CONVEYED TO S. ROSS, GOVERNOR OF THE
3 STATE OF TEXAS AND HIS SUCCESSORS IN OFFICE FOR THE USE
4 AND BENEFIT OF THE STATE OF TEXAS AS RECORDED IN VOLUME
5 76, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY,
6 TEXAS; SAID TRACT OF LAND BEING MORE PARTICULARLY
7 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

8 BEGINNING, at a 60d nail found in the north line of that 1.51 acre
9 tract of land conveyed to the City of Austin in a Gift Deed Of Land
10 recorded in Volume 5154, Page 2230, of said Deed Records, same being
11 a corner in the easterly line of THE GROVE AT SHOAL CREEK, according
12 to the map or plat thereof recorded in Document No. 201800146, of
13 the Official Public Records of said County, and the northwest
14 corner of the herein described tract, from which a 1/2 inch iron rod
15 found for the northwest corner of said 1.51 acre tract, bears North
16 62°26'39" West, a distance of 41.93 feet;

17 THENCE, North 01°22'52" East (bearing basis), with said easterly
18 line of THE GROVE AT SHOAL CREEK, a distance of 151.80 feet to the
19 northwest corner of the herein described tract, from which a, X mark
20 in rock found for a corner in said easterly line bears, North
21 01°22'52" East, a distance of 362.51 feet;

22 THENCE, departing said easterly line and over and across said State
23 of Texas tract the following four (4) courses and distances:

- 24 1. South 85°36'10" East,, a distance of 130.18 feet;
- 25 2. South 01°22'52" West, a distance of 149.86 feet to the to
26 the beginning of a curve to the left;
- 27 3. With said curve to the left, having a radius of 50.00
28 feet, an arc length of 55.70 feet, a delta angle of 63°49'31", and a
29 chord which bears South 30°31'53 East, a distance of 52.86 feet to
30 the end of said curve;
- 31 4. South 62°26'39" East, a distance of 191.49 feet to the

1 northeast corner of the herein described tract, being in the
2 curving west right-of-way line of Shoal Creek Boulevard (80'
3 right-of-way - no dedication found), from which a 1/2 inch iron rod
4 found for the common west corner of Lot 1 and Lot 2, SHOAL CREEK
5 VILLAGE, according to the map or plat thereof recorded in Volume 97,
6 Page 35, of said Plat Records, bears South 83°30'05' East a distance
7 of 84.97 feet;
8 THENCE, with said west right-of-way line and with said non-tangent
9 curve to the left, having a radius of 318.41 feet, an arc length of
10 25.15 feet, a delta angle of 04°31'32", and a chord which bears South
11 21°25'26" West, a distance of 25.14 feet to the southeast corner of
12 the herein described tract, same being the northeast corner of Lot
13 5, SHOAL COURTS, according to the map or plat thereof recorded in
14 Volume 6, Page 280, of said Plat Records;
15 THENCE, North 62°26'39" West, with the north line of said Lot 5,
16 passing a 1/2 inch iron rod found in a concrete retaining wall for
17 the northwest corner of said Lot 5 and the northeast corner of said
18 1.51 acre tract at a distance of 155.49 (record 155.75) feet and
19 continuing for a total distance of 357.88 feet the POINT OF
20 BEGINNING containing 0.667 of one acre of land within these metes
21 and bounds.
22 Subject tract described herein is an easement. No monumentation set
23 for corners.
24 Bearing Basis: Easterly line of said THE GROVE AT SHOAL CREEK. North
25 01°22'52" East

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1962 by Lambert (Relating to the continuation and functions of the Texas State Library and Archives Commission, including the custody and ownership of certain state records.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Analysis provided by the Texas State Library and Archives Commission and the General Land Office indicates that duties and responsibilities required to implement the provisions of the bill could be accomplished utilizing current resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 306 Library & Archives Commission, 116 Sunset Advisory Commission
LBB Staff: WP, LLo, CLo, SZ, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 19, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1962 by Lambert (Relating to the continuation and functions of the Texas State Library and Archives Commission, including the custody and ownership of certain state records.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 306 Library & Archives Commission, 116 Sunset Advisory Commission
LBB Staff: WP, LLo, CLo, SZ, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 29, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1962 by Lambert (Relating to the continuation and functions of the Texas State Library and Archives Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 306 Library & Archives Commission

LBB Staff: WP, CLo, SZ, NV, LLo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 29, 2019

TO: Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1962 by Lambert (Relating to the continuation and functions of the Texas State Library and Archives Commission.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 306 Library & Archives Commission

LBB Staff: WP, SZ, NV, LLo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 11, 2019

TO: Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1962 by Lambert (Relating to the continuation and functions of the Texas State Library and Archives Commission.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Texas State Library and Archives Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Association of Counties, no fiscal impact to counties is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 306 Library & Archives Commission

LBB Staff: WP, SZ, NV, LLo, AF