

BILL ANALYSIS

Senate Research Center

S.B. 454
By: Duncan
State Affairs
3-5-97
As Filed

DIGEST

Currently, the definition of "state record" does not include any records, correspondence, notes, memoranda, or other documents associated with a matter conducted under an alternative dispute resolution (ADR) procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Increasingly, state, county, and local governments are becoming involved in ADR processes as either a party or an impartial third party. As a result, many state, county, and local government employees have found themselves faced with a potential conflict between the confidentiality requirements of Chapter 154, Texas Civil Practice and Remedies Code (Texas ADR Act) and the records management and archival requirements of the Texas Government and Local Government Codes. This bill redefines "state record," "county record," and "local government record" to alleviate any discrepancies relating to ADR processes.

PURPOSE

As proposed, S.B. 454 redefines "state record," "county record," and "local government record" to include certain information for records management and archival purposes..

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 441.031(5), Government Code, to redefine "state record."

SECTION 2. Amends Section 441.091(1), Government Code, to redefine "county record."

SECTION 3. Amends Section 201.003(8), Local Government Code, to redefine "local government record."

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.