

BILL ANALYSIS

Senate Research Center

H.B. 2902
By: Hilderbran (Fraser)
Government Organization
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Just five years old, the Texas Historic Courthouse Preservation Program (program) has successfully restored and preserved many historic courthouses since the 76th Texas Legislature created the program in 1999 and appropriated \$145 million over the past three biennia. Now, the state needs to ensure that this investment of state funds is well secured so these courthouses never again fall into a state of disrepair.

H.B. 2902 authorizes the Texas Historical Commission (THC) to develop and implement a program to ensure that counties that receive money for courthouse projects continue to maintain, repair, and preserve their courthouses to protect the investment of state funds. In order to fund this new maintenance program and pay administrative costs, H.B. 2902 also authorizes THC to receive two-and-a-half percent of the amount appropriated for the program.

Additionally, Section 4417.157, Government Code, provides that the Texas State Library and Archives Commission (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.

H.B. 2902 authorizes the commission to establish a program of state grants to governmental entities to preserve the historically valuable records of those governments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Library and Archives Commission in SECTION 1 (Sections 441.262 and 441.264, Government Code) of this bill.

Rulemaking authority previously granted to the Texas Historical Commission is modified in SECTION 3 (Section 442.0081, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 441, Government Code, by adding Subchapter O, as follows:

SUBCHAPTER O. TEXAS HISTORICAL GOVERNMENT RECORDS PRESERVATION

Sec. 441.261. DEFINITION; HISTORICAL GOVERNMENT RECORDS. Defines "commission." Provides that, for purposes of this subchapter, historical government records include 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 any state record identified as an archival state record 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) Authorizes the Texas State Library and Archives Commission (commission) to 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.

(b) Authorizes the commission to award the grants to enable grant recipients to preserve, repair, restore, manage, and provide public access to historical government records in the custody of the recipient, and establish or enhance efficient records management programs to ensure that current records of historical value or potential historical value in the custody of the recipient are identified, managed, and preserved.

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

(d) Requires the commission to approve any award of grants made under this section in open meetings in accordance with Chapter 551 (Open Meetings).

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

Sec. 441.263. STATE ARCHIVES. Authorizes the commission to preserve, repair, restore, manage, and provide access to the historical government records in the custody of the commission, including records in any regional historical resource depository established by agreement under Section 441.153 or in any regional research center established and operated by the commission under Section 441.154. Authorizes the commission to determine the amount to be used for activities under this section, subject to appropriations.

Sec. 441.264. EMERGENCY DISASTER RECOVERY GRANTS. Authorizes the commission to make emergency grants to local governments to assist them in the recovery of records damaged by fire, flood, or other natural or man-made disaster. Authorizes the commission to adopt any necessary rules for the administration of emergency disaster recovery grants, including rules relating to eligibility for and the terms and conditions of an emergency grant. Authorizes the commission to determine the amount to be used for emergency disaster recovery grants under this section, subject to appropriations.

Sec. 441.265. OTHER RELATED USES. Authorizes the commission, subject to appropriations, to provide certain training and funding and to pay for certain personnel and administrative expenses incurred by the commission under this subchapter. Authorizes the commission, subject to appropriations, to determine the amount to be used for programs and activities under this section.

Sec. 441.266. ADVISORY COMMITTEES. Requires the local government records committee established under Section 441.161 and the Texas Historical Records Advisory Board established under Section 441.242 to advise the commission in its adoption of rules under Sections 441.262 and 441.264.

SECTION 2. Amends the heading to Section 442.0081, Government Code, to read as follows:

Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION AND MAINTENANCE PROGRAMS; GRANTS AND LOANS.

SECTION 3. Amends Section 442.0081, Government Code, by adding Subsection (g-1) and amending Subsection (h), as follows:

(g-1) Requires the Texas Historical Commission (THC), to help protect courthouses that have benefited from the historic courthouse preservation program, to develop and implement a maintenance program to assist counties receiving money under the preservation program in continuing to maintain, repair, and preserve the courthouses. Authorizes the maintenance program to include offering to periodically inspect the courthouses and offering counties technical assistance and information on best practices in maintaining the courthouse.

(h) Requires THC to adopt rules necessary to implement the historic courthouse preservation and maintenance programs (programs).

SECTION 4. Amends Section 442.0083(f), Government Code, to prohibit biennial appropriations to THC for administering the programs during a state fiscal biennium, including providing oversight for the historic courthouse project, from exceeding two-and-a-half, rather than one, percent of the amount appropriated for implementing the programs during the state fiscal biennium.

SECTION 5. Repealer: Section 441.157 (Grant-In-Aid Program), Government Code.

SECTION 6. Effective date: September 1, 2005.