

1-1 By: Lambert, et al. (Senate Sponsor - Hall) H.B. No. 1962
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 20, 2019, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1962 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the continuation and functions of the Texas State
 1-22 Library and Archives Commission, including the custody and
 1-23 ownership of certain state records.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 324, Government Code, is amended by
 1-26 adding Sections 324.0085 and 324.0086 to read as follows:

1-27 Sec. 324.0085. LEGISLATIVE RECORDS. (a) The library is
 1-28 the depository for any record created or received by the office of a
 1-29 member of the legislature or the lieutenant governor during that
 1-30 official's term of office.

1-31 (b) The legislative entity that transferred records to the
 1-32 library retains ownership and legal custody of those records,
 1-33 including records placed in a depository outside the library. The
 1-34 legislative entity may retrieve the records for the legislature's
 1-35 use. The director and library employees shall assist the
 1-36 legislative entity with retrieval of the records and shall return
 1-37 the records to the library following the legislature's use.

1-38 (c) The director shall protect privileged or confidential
 1-39 legislative records held by the library from public disclosure at
 1-40 the direction of the legislative entity that transferred the
 1-41 records to the library.

1-42 (d) The director shall receive requests under Chapter 552
 1-43 for legislative records held by the library and respond as directed
 1-44 by the officer for public information of the legislative entity
 1-45 that transferred the records to the library. The director shall
 1-46 notify the appropriate officer for public information as soon as
 1-47 practicable after receiving a request described by this subsection.

1-48 Sec. 324.0086. PLACEMENT IN OTHER DEPOSITORY. (a) A
 1-49 member of the legislature may apply to the board to place records
 1-50 that were created or received by the member's office during the
 1-51 member's term in a depository other than the library.

1-52 (b) The board shall:

1-53 (1) create a list of preapproved depositories in which
 1-54 members of the legislature may place records of their legislative
 1-55 offices; and

1-56 (2) by rule adopt policies and procedures to approve
 1-57 additional depositories.

1-58 (c) The director is responsible for the preservation of
 1-59 records described by Subsection (a) placed in a depository other
 1-60 than the library. Ownership and legal custody of the records remain

2-1 with the legislature as provided by Section 324.0085. The records
2-2 may not be intermingled with other holdings of the institution that
2-3 serves as a depository.

2-4 SECTION 2. Section 441.001(q), Government Code, is amended
2-5 to read as follows:

2-6 (q) The Texas State Library and Archives Commission is
2-7 subject to Chapter 325 (Texas Sunset Act). Unless continued in
2-8 existence as provided by that chapter, the commission is abolished
2-9 September 1, 2031 [~~2019~~].

2-10 SECTION 3. Section 441.0011, Government Code, is amended by
2-11 amending Subsection (b) and adding Subsection (d) to read as
2-12 follows:

2-13 (b) The training program must provide the person with
2-14 information regarding:

2-15 (1) the law governing [~~legislation that created the~~]
2-16 commission operations;

2-17 (2) the programs, functions, rules, and budget of the
2-18 commission;

2-19 (3) the scope of and limitations on the rulemaking
2-20 authority of the commission;

2-21 (4) the results of the most recent formal audit of the
2-22 commission;

2-23 (5) [~~(4)~~] the requirements of:

2-24 (A) laws relating to open meetings, public
2-25 information, administrative procedure, and disclosing conflicts of
2-26 interest; and

2-27 (B) other laws applicable to members of a state
2-28 policymaking body in performing their duties; and

2-29 (6) [~~(5)~~] any applicable ethics policies adopted by
2-30 the commission or the Texas Ethics Commission.

2-31 (d) The director and librarian shall create a training
2-32 manual that includes the information required by Subsection (b).
2-33 The director and librarian shall distribute a copy of the training
2-34 manual annually to each member of the commission. Each member of
2-35 the commission shall sign and submit to the director and librarian a
2-36 statement acknowledging that the member received and has reviewed
2-37 the training manual.

2-38 SECTION 4. Section 441.006(b), Government Code, is amended
2-39 to read as follows:

2-40 (b) The commission may:

2-41 (1) purchase, as state property, any suitable book,
2-42 picture, or similar item, within the limits of the annual
2-43 legislative appropriation;

2-44 (2) receive a donation or gift of money, property, or
2-45 services on any terms and conditions it considers proper as long as
2-46 the state does not incur financial liability;

2-47 (3) accept, receive, and administer federal funds made
2-48 available by grant or loan to improve the public libraries of this
2-49 state;

2-50 (4) contract or agree with the governing body or head
2-51 of a county, city, or town of this state to meet the terms
2-52 prescribed by the United States and consistent with state law for
2-53 the expenditure of federal funds for improving public libraries;
2-54 [~~and~~]

2-55 (5) participate in the establishment and operation of
2-56 an affiliated nonprofit organization whose purpose is to raise
2-57 funds for or provide services or other benefits to the commission;
2-58 and

2-59 (6) use general revenue, grants, donations, gifts,
2-60 and, if authorized by federal law, federal funds to advertise and
2-61 promote commission programs and increase participation in and
2-62 awareness of those programs.

2-63 SECTION 5. Subchapter A, Chapter 441, Government Code, is
2-64 amended by adding Section 441.0065 to read as follows:

2-65 Sec. 441.0065. ADVISORY COMMITTEES. (a) The commission
2-66 may establish an advisory committee to make recommendations to the
2-67 commission on programs, rules, and policies affecting the delivery
2-68 of information services in the state.

2-69 (b) In establishing an advisory committee under this

- 3-1 section, the commission shall adopt rules regarding:
- 3-2 (1) the purpose, role, responsibility, and goals of
- 3-3 the committee;
- 3-4 (2) the size and quorum requirement of the committee;
- 3-5 (3) qualifications for committee membership;
- 3-6 (4) appointment procedures for members;
- 3-7 (5) terms of service for members;
- 3-8 (6) training requirements for members;
- 3-9 (7) a periodic review process to evaluate the
- 3-10 continuing need for the committee; and
- 3-11 (8) a requirement that committee meetings be open to
- 3-12 the public.

3-13 SECTION 6. Sections 441.0945(a) and (b), Government Code,
3-14 are amended to read as follows:

3-15 (a) A county record may be destroyed if the record is listed
3-16 on a valid [the] records schedule and implementation plan [~~accepted~~
3-17 ~~for filing by the director and librarian~~] and either its retention
3-18 period has expired or it has been microfilmed or stored
3-19 electronically in accordance with applicable law.

3-20 (b) ~~The retention period of a record as listed on [director~~
3-21 ~~and librarian or a person on the staff of the director and librarian~~
3-22 ~~may reject] the records schedule and implementation plan must be at~~
3-23 ~~least as long as [for a record if the retention period of the record~~
3-24 ~~as listed on the plan is less than] the retention period for the~~
3-25 ~~record established on a records retention schedule issued by the~~
3-26 ~~commission [by the county records manual. If the plan is rejected,~~
3-27 ~~the director and librarian or staff person shall file with the~~
3-28 ~~custodian the rejected schedule and a statement of the reasons for~~
3-29 ~~rejection not later than the 30th day after the date the director~~
3-30 ~~and librarian or staff person received the records schedule and~~
3-31 ~~implementation plan. If a schedule is rejected under this~~
3-32 ~~subsection, the custodian may submit an amended schedule].~~

3-33 SECTION 7. Sections 441.095(d) and (e), Government Code,
3-34 are amended to read as follows:

3-35 (d) A custodian may dispose of a county record that is not
3-36 listed on a records retention schedule issued by the commission if,
3-37 not [Not] later than the 10th day before the date the [a] record is
3-38 destroyed, the custodian files and records [shall file and record]
3-39 a notice with the county clerk. The notice must indicate the record
3-40 to be destroyed, how it is to be destroyed, and the date of its
3-41 destruction. On the day the notice is filed, the county clerk shall
3-42 post a copy of it in the same manner that a notice of a meeting is
3-43 posted under Chapter 551.

3-44 (e) The custodian may destroy the record at any time after
3-45 [~~the director and librarian has approved the destruction and~~] the
3-46 notice required by Subsection (d) has been posted for 10 days by the
3-47 county clerk.

3-48 SECTION 8. Section 441.153, Government Code, is amended by
3-49 amending Subsection (f) and adding Subsection (g) to read as
3-50 follows:

3-51 (f) Except as otherwise provided by Subsection (g), title
3-52 [Title] to historical resources placed in a depository by the
3-53 commission remains with the commission, and the historical
3-54 resources may not be intermingled with other holdings of the
3-55 institution that serves as a depository.

3-56 (g) A depository may apply to the commission to transfer to
3-57 the depository title to local historical resources placed in the
3-58 depository by the commission. The commission shall approve the
3-59 application only if the transfer of title is in the state's best
3-60 interest. The commission, in consultation with depositories, shall
3-61 adopt rules providing an application procedure and standards for
3-62 evaluating applications to transfer title to local historical
3-63 resources to depositories. This subsection does not authorize the
3-64 commission to transfer title to state historical resources.

3-65 SECTION 9. Section 441.167, Government Code, is amended to
3-66 read as follows:

3-67 Sec. 441.167. ASSISTANCE [STATUTORY FILING] AND
3-68 INFORMATION [REVIEW]. The director and librarian may designate
3-69 employees of the commission to provide assistance and information

4-1 to local governments on records management issues under [act as
4-2 deputies in the approval or disapproval or acceptance or rejection
4-3 for filing of any records control schedule, destruction
4-4 authorization request, electronic storage authorization request,
4-5 or other statutory filing required by] Subtitle C, Title 6, Local
4-6 Government Code, or rules adopted under it.

4-7 SECTION 10. Subchapter J, Chapter 441, Government Code, is
4-8 amended by adding Section 441.169 to read as follows:

4-9 Sec. 441.169. DUTIES OF LOCAL GOVERNMENTS. Each local
4-10 government shall:

4-11 (1) submit to the director and librarian the name of
4-12 the local government's records management officer identified under
4-13 Section 203.001, Local Government Code, or designated under Section
4-14 203.025, Local Government Code, and the name of the new officer in
4-15 the event of a change;

4-16 (2) file a plan or an ordinance or order establishing a
4-17 records management program and any amendments to the plan or
4-18 ordinance or order with the director and librarian as required by
4-19 Sections 203.005 and 203.026, Local Government Code;

4-20 (3) notify the commission at least 10 days before
4-21 destroying a local government record that does not appear on a
4-22 records retention schedule issued by the commission; and

4-23 (4) file with the director and librarian a written
4-24 certification as provided by Section 203.041, Local Government
4-25 Code, that the local government has prepared a records control
4-26 schedule that:

4-27 (A) establishes a retention period for each local
4-28 government record as required by Subchapter C, Chapter 203, Local
4-29 Government Code; and

4-30 (B) complies with a local government records
4-31 retention schedule distributed by the director and librarian under
4-32 Section 441.158 and any other state and federal requirements.

4-33 SECTION 11. Section 441.180, Government Code, is amended by
4-34 adding Subdivision (6-a) and amending Subdivisions (9) and (11) to
4-35 read as follows:

4-36 (6-a) "Legislative record" means any record created or
4-37 received by the office of a member of the legislature or the
4-38 lieutenant governor during the official's term of office.

4-39 (9) "State agency" means:

4-40 (A) any department, commission, board, office,
4-41 or other agency in the executive, legislative, or judicial branch
4-42 of state government created by the constitution or a statute of this
4-43 state and includes[, including] an eleemosynary institution but
4-44 does not include the office of a member of the legislature or the
4-45 lieutenant governor;

4-46 (B) any university system and its components and
4-47 any institution of higher education as defined by Section 61.003,
4-48 Education Code, except a public junior college, not governed by a
4-49 university system board;

4-50 (C) the Texas Municipal Retirement System and the
4-51 Texas County and District Retirement System; and

4-52 (D) any public nonprofit corporation created by
4-53 the legislature whose responsibilities and authority are not
4-54 limited to a geographical area less than that of the state.

4-55 (11) "State record" means any written, photographic,
4-56 machine-readable, or other recorded information created or
4-57 received by or on behalf of a state agency or an elected state
4-58 official that documents activities in the conduct of state business
4-59 or use of public resources. The term includes any recorded
4-60 information created or received by a Texas government official in
4-61 the conduct of official business, including officials from periods
4-62 in which Texas was a province, colony, republic, or state. The term
4-63 does not include:

4-64 (A) library or museum material made or acquired
4-65 and maintained solely for reference or exhibition purposes;

4-66 (B) an extra copy of recorded information
4-67 maintained only for reference; [or]

4-68 (C) a stock of publications or blank forms; or

4-69 (D) a legislative record.

5-1 SECTION 12. Subchapter L, Chapter 441, Government Code, is
5-2 amended by adding Sections 441.1815, 441.1935, and 441.1965 to read
5-3 as follows:

5-4 Sec. 441.1815. STATE ARCHIVES STRATEGIC PLAN. The
5-5 commission, with input from interested persons, shall develop and
5-6 implement a comprehensive strategic plan regarding the state
5-7 archives. The commission shall update the strategic plan at least
5-8 once every five years. The strategic plan must include:

- 5-9 (1) an assessment of any current archives backlog;
- 5-10 (2) a prioritized list of projects and goals related
5-11 to the state archives;
- 5-12 (3) an evaluation of the resources needed to achieve
5-13 the commission's goals related to the state archives, including the
5-14 impact that different amounts of those resources are expected to
5-15 have on the commission's ability to achieve those goals;
- 5-16 (4) performance measures, targets, and timeframes for
5-17 achieving the commission's goals related to the state archives;
- 5-18 (5) a mechanism for regular reporting to the
5-19 commission on progress toward achieving the commission's goals
5-20 related to the state archives; and
- 5-21 (6) opportunities and standards for entering into
5-22 collaborative agreements with interested persons regarding the
5-23 state archives.

5-24 Sec. 441.1935. REQUIREMENTS FOR REQUESTS FOR INFORMATION
5-25 HELD BY STATE ARCHIVES PROGRAM. (a) The commission shall
5-26 promulgate a form that persons must use to request access to
5-27 information held by the state archives program. The form must allow
5-28 the requestor to designate the request either as a request for
5-29 public information made under Chapter 552 or as a research request
5-30 not subject to the requirements of that chapter. The form must
5-31 include:

- 5-32 (1) a plain-language explanation of the difference
5-33 between a request for public information made under Chapter 552 and
5-34 a research request not subject to the requirements of that chapter;
 - 5-35 (2) the requirements for making and responding to each
5-36 type of request; and
 - 5-37 (3) an option for the requestor to change the type of
5-38 request at any time.
- 5-39 (b) Notwithstanding any other law, a request for
5-40 information held by the state archives program is considered to be a
5-41 request for public information under Chapter 552 only if the
5-42 requestor makes the request using the form described by Subsection
5-43 (a) and on the form designates the request as a request for public
5-44 information under Chapter 552.

5-45 Sec. 441.1965. SALE OF REPLICAS FROM STATE ARCHIVES. (a)
5-46 The commission may sell replicas of archival state records and
5-47 other historical resources in its custody subject to the approval
5-48 of the commission.

5-49 (b) Money received from the sale of replicas under
5-50 Subsection (a) shall be deposited to the credit of a dedicated
5-51 account in the general revenue fund and may be appropriated only to
5-52 the commission for the purposes of preservation, digitization,
5-53 archives information services, and education.

5-54 SECTION 13. Section 202.001(a), Local Government Code, is
5-55 amended to read as follows:

- 5-56 (a) A local government record may be destroyed if:
- 5-57 (1) the record is listed on a valid records control
5-58 schedule [accepted for filing by the director and librarian as
5-59 provided by Section 203.041] and either its retention period has
5-60 expired or it has been microfilmed or stored electronically in
5-61 accordance with the requirements of Chapters 204 and 205;
- 5-62 (2) the record appears on a list of obsolete records
5-63 [approved by the director and librarian] as provided by Section
5-64 203.044; or
- 5-65 (3) the [a destruction request is filed with and
5-66 approved by the director and librarian as provided by Section
5-67 203.045 for a] record is not listed on a records retention [an
5-68 approved control] schedule issued by the commission and the local
5-69 government provides notice to the commission at least 10 days

6-1 before destroying the record as required by Section 441.169,
6-2 Government Code.

6-3 SECTION 14. Section 203.002, Local Government Code, is
6-4 amended to read as follows:

6-5 Sec. 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY
6-6 OFFICERS AS RECORDS MANAGEMENT OFFICERS. The elected county
6-7 officer shall:

6-8 (1) develop policies and procedures for the
6-9 administration of an active and continuing records management
6-10 program;

6-11 (2) administer the records management program so as to
6-12 reduce the costs and improve the efficiency of recordkeeping;

6-13 (3) ~~[prepare and file with the director and librarian~~
6-14 ~~the records control schedules and amended schedules required by~~
6-15 ~~Section 203.041 and the list of obsolete records as provided by~~
6-16 ~~Section 203.044,~~

6-17 ~~[(4) prepare requests for authorization to destroy~~
6-18 ~~records not on an approved control schedule as provided by Section~~
6-19 ~~203.045, requests to destroy the originals of permanent records~~
6-20 ~~that have been microfilmed as provided by Section 204.008, and~~
6-21 ~~electronic storage authorization requests as provided by Section~~
6-22 ~~205.007,~~

6-23 ~~[(5)]~~ identify and take adequate steps to preserve
6-24 records that are of permanent value;

6-25 (4) ~~[(6)]~~ identify and take adequate steps to protect
6-26 the essential records of the office;

6-27 (5) ~~[(7)]~~ ensure that the maintenance, preservation,
6-28 microfilming, destruction, or other disposition of records is
6-29 carried out in accordance with the policies and procedures of the
6-30 records management program and the requirements of this subtitle
6-31 and rules adopted under it; and

6-32 (6) ~~[(8)]~~ cooperate with the commission in its conduct
6-33 of statewide records management surveys.

6-34 SECTION 15. Section 203.023, Local Government Code, is
6-35 amended to read as follows:

6-36 Sec. 203.023. DUTIES OF RECORDS MANAGEMENT OFFICER. The
6-37 records management officer in each local government shall:

6-38 (1) assist in establishing and developing policies and
6-39 procedures for a records management program for the local
6-40 government;

6-41 (2) administer the records management program and
6-42 provide assistance to custodians for the purposes of reducing the
6-43 costs and improving the efficiency of recordkeeping;

6-44 (3) in cooperation with the custodians of the
6-45 records, ~~[+~~

6-46 ~~[(A)]~~ prepare ~~[and file with the director and~~
6-47 ~~librarian]~~ the records control schedules and amended schedules
6-48 required by Section 203.041 and the list of obsolete records as
6-49 provided by Section 203.044 ~~[, and~~

6-50 ~~[(B) prepare or direct the preparation of~~
6-51 ~~requests for authorization to destroy records not on an approved~~
6-52 ~~control schedule as provided by Section 203.045, of requests to~~
6-53 ~~destroy the originals of permanent records that have been~~
6-54 ~~microfilmed as provided by Section 204.008, and of electronic~~
6-55 ~~storage authorization requests as provided by Section 205.007];~~

6-56 (4) in cooperation with custodians, identify and take
6-57 adequate steps to preserve local government records that are of
6-58 permanent value;

6-59 (5) in cooperation with custodians, identify and take
6-60 adequate steps to protect essential local government records;

6-61 (6) in cooperation with custodians, ensure that the
6-62 maintenance, preservation, microfilming, destruction, or other
6-63 disposition of records is carried out in accordance with the
6-64 policies and procedures of the local government's records
6-65 management program and the requirements of this subtitle and rules
6-66 adopted under it;

6-67 (7) disseminate to the governing body and custodians
6-68 information concerning state laws, administrative rules, and the
6-69 policies of the government relating to local government records;

7-1 and
7-2 (8) in cooperation with custodians, establish
7-3 procedures to ensure that the handling of records in any context of
7-4 the records management program by the records management officer or
7-5 those under the officer's authority is carried out with due regard
7-6 for:

7-7 (A) the duties and responsibilities of
7-8 custodians that may be imposed by law; and

7-9 (B) the confidentiality of information in
7-10 records to which access is restricted by law.

7-11 SECTION 16. The heading to Section 203.041, Local
7-12 Government Code, is amended to read as follows:

7-13 Sec. 203.041. PREPARATION [~~AND FILING~~] OF RECORDS CONTROL
7-14 SCHEDULES.

7-15 SECTION 17. Sections 203.041(a), (d), (f), and (g), Local
7-16 Government Code, are amended to read as follows:

7-17 (a) On or before January 4, 1999, the records management
7-18 officer shall [~~prepare and file with the director and librarian~~]:

7-19 (1) prepare a records control schedule listing the
7-20 following records and establishing a retention period for each as
7-21 provided by Section 203.042:

7-22 (A) all records created or received by the local
7-23 government or elective county office;

7-24 (B) any record no longer created or received by
7-25 the local government or elective county office that is still in its
7-26 possession and for which the retention period on a records
7-27 retention schedule issued by the commission has not expired; and

7-28 (C) any record no longer created or received by
7-29 the local government or elective county office that is still in its
7-30 possession and for which the retention period on a records
7-31 retention schedule issued by the commission has expired but which
7-32 will not be destroyed as provided by Section 203.044; and [~~or~~]

7-33 (2) [~~the records management officer, in lieu of filing~~
7-34 ~~a records control schedule, may~~] file with the director and
7-35 librarian a written certification of compliance that the local
7-36 government or the elective county office has adopted records
7-37 control schedules that comply with the minimum requirements
7-38 established on records retention schedules issued by the
7-39 commission.

7-40 (d) The records management officer shall review the records
7-41 control schedules of the local government or elective county office
7-42 and prepare amendments to the schedules as needed to reflect new
7-43 records created or received by the government or office or
7-44 revisions to retention periods established in a records retention
7-45 schedule issued by the commission. The records management officer
7-46 shall file with the director and librarian a written certification
7-47 of compliance that the local government or the elective county
7-48 office has amended the records control schedules to comply with the
7-49 minimum requirements established on records retention schedules
7-50 issued by the commission [~~Amendments to records control schedules~~
7-51 ~~shall be filed with the director and librarian in the same manner as~~
7-52 ~~the original schedules~~].

7-53 (f) Records control schedules may be prepared [~~filed~~] on an
7-54 office-by-office basis or on a department-by-department basis
7-55 within each office.

7-56 (g) A local government that intends to retain all records
7-57 permanently or that destroys only those records for which no
7-58 retention periods have been established in a records retention
7-59 schedule established under Section 441.158, Government Code, is not
7-60 required to prepare [~~submit~~] a records control schedule under this
7-61 section.

7-62 SECTION 18. Section 204.007(a), Local Government Code, is
7-63 amended to read as follows:

7-64 (a) The [~~Except as provided by Section 204.008, the~~]
7-65 original of a record that has been microfilmed pursuant to this
7-66 chapter and rules adopted under it may be destroyed before the
7-67 expiration of its retention period on a records retention schedule
7-68 issued by the commission.

7-69 SECTION 19. Sections 205.008(a) and (c), Local Government

8-1 Code, are amended to read as follows:

8-2 (a) The source document, if any, for electronically stored
8-3 local government record data covered by rules adopted under Section
8-4 205.003(a) [~~205.007(a)~~] may be destroyed or returned to the person
8-5 who filed it for record [~~if the electronic storage authorization~~
8-6 ~~request is approved~~].

8-7 (c) The source document, if any, for electronically stored
8-8 local government record data not covered by rules adopted under
8-9 Section 205.003(a) [~~205.007(a)~~] may be destroyed before the
8-10 expiration of the retention period for the source document in a
8-11 records retention schedule issued by the commission if the magnetic
8-12 tape, optical disk, or similar medium and hardware and software
8-13 necessary to provide access to local government record data on the
8-14 media are retained for the retention period in the schedule.
8-15 Conversely, the magnetic tape, optical disk, or similar medium may
8-16 be erased, written over, or destroyed before the expiration of the
8-17 retention period for a source document for local government record
8-18 data not covered by rules adopted under Section 205.003(a)
8-19 [~~205.007(a)~~], if the source document, if any, is retained until the
8-20 expiration of its retention period or, if the source document has
8-21 already been destroyed, paper or microfilm copies are generated
8-22 from the magnetic tape, optical disk, or similar medium before
8-23 destruction or erasure and retained until the expiration of the
8-24 retention period for the source document.

8-25 SECTION 20. (a) The following provisions of the Government
8-26 Code are repealed:

- 8-27 (1) Section 441.094(e);
- 8-28 (2) Section 441.0945(c); and
- 8-29 (3) Sections 441.095(a), (b), and (c).

8-30 (b) The following provisions of the Local Government Code
8-31 are repealed:

- 8-32 (1) Sections 203.041(c) and (h);
- 8-33 (2) Section 203.042(c);
- 8-34 (3) Section 203.043;
- 8-35 (4) Sections 203.044(c) and (d); and
- 8-36 (5) Sections 203.045, 204.008, and 205.007.

8-37 SECTION 21. (a) Except as provided by Subsection (b) of
8-38 this section, Section 441.0011, Government Code, as amended by this
8-39 Act, applies to a member of the Texas State Library and Archives
8-40 Commission who is appointed before, on, or after the effective date
8-41 of this Act.

8-42 (b) A member of the Texas State Library and Archives
8-43 Commission who, before the effective date of this Act, completed
8-44 the training program required by Section 441.0011, Government Code,
8-45 as that law existed before the effective date of this Act, is only
8-46 required to complete additional training on the subjects added by
8-47 this Act to the training program required by Section 441.0011,
8-48 Government Code. A commission member described by this subsection
8-49 may not vote, deliberate, or be counted as a member in attendance at
8-50 a meeting of the commission held on or after December 1, 2019, until
8-51 the member completes the additional training.

8-52 (c) Not later than March 1, 2020, the Texas State Library
8-53 and Archives Commission shall promulgate a form as required by
8-54 Section 441.1935, Government Code, as added by this Act.

8-55 (d) Not later than September 1, 2020, the Texas State
8-56 Library and Archives Commission shall:

- 8-57 (1) adopt rules providing an application process and
8-58 standards for transfer of title to local historical resources under
8-59 Section 441.153(g), Government Code, as added by this Act; and
- 8-60 (2) develop a strategic plan for the state archives
8-61 program as required by Section 441.1815, Government Code, as added
8-62 by this Act.

8-63 (e) Not later than September 1, 2020:

8-64 (1) the Texas State Library and Archives Commission
8-65 shall transfer custody and ownership of all legislative records, as
8-66 defined by Section 441.180(6-a), Government Code, as added by this
8-67 Act, to the Legislative Reference Library; and

8-68 (2) the Legislative Library Board shall create a list
8-69 of preapproved depositories and adopt rules as required by Section

9-1 324.0086(b), Government Code, as added by this Act.

9-2 SECTION 22. This Act takes effect September 1, 2019.

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