

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1800
By: Brown, J. E. "Buster"
Administration
4-18-2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law is not clear on how the records of the office of the lieutenant governor are to be handled if the lieutenant governor assumes the office of the governor after a vacancy occurs in the office of the governor. C.S.S.B. 1800 clarifies that the records may be transferred to the office of the governor.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 441L, Government Code, by adding Section 441.204, as follows:

Sec. 441.204. RECORDS OF OFFICE OF LIEUTENANT GOVERNOR. Authorizes a lieutenant governor who vacates the office of lieutenant governor to complete the unexpired term of the governor as provided by Section 16(d), Article IV, Texas Constitution, to transfer the records of the office of the lieutenant governor created or received during that lieutenant governor's term of office to the office of the governor, notwithstanding any other law. Requires the records of the office of the lieutenant governor transferred under this section to be maintained separate and distinct from records created or received from the office of the governor, and requires the records to be listed separate and distinct on the records retention schedule of the office of the governor, as required by Section 441.185.

SECTION 2. Amends Section 552.351, Government Code, to provide that it is an exception to the application of Subsection (a) that the public information was transferred under Section 441.204.

SECTION 3. Amends Section 37.10(b), Penal Code, to provide that it is an exception to the application of Subsection (a) (3) that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code, as added by this Act.

SECTION 4. Provides that the change in law made by this Act applies regardless of whether the transfer of a record occurred before, on, or after the effective date of this Act.

SECTION 5. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 by adding text regarding the handling of transferred records of the lieutenant governor.