

**SUBJECT:** Continuing the Texas State Library and Archives Commission

**COMMITTEE:** State, Federal, and International Relations — favorable, with amendment

**VOTE:** 7 ayes — B. Hunter, Price, Elkins, Reyna, Rhodes, Rusling, Serna  
0 nays  
2 absent — Dukes, Eiland

**SENATE VOTE:** On final passage, March 23 — voice vote

**WITNESSES:** For — Laura McGee, Dallas ARMA; William D. Gooch, State Library and Archives Commission  
Against — None

**BACKGROUND:** The National Library of the Republic of Texas, created in 1839, was renamed the Texas Library and Historical Commission in 1909 and then the Texas State Library and Archives Commission in 1979. The agency is called the Texas State Library (TSL) to distinguish it from the policymaking commission. The purpose of the six-member commission is to coordinate library services throughout the state, to improve services to those who are visually impaired or disabled, to develop and operate state and local government records management programs, and to make state and federal government publications available.

For fiscal 1994-1995 the commission's budget was approximately \$36 million, which included \$20.3 million in state general revenue and almost \$14 million from the Federal Public Library Service Fund.

The commission is subject to the Sunset Act and underwent Sunset Advisory Commission review during the interim. It will be abolished on September 1, 1995, unless continued by the Legislature.

**DIGEST:** SB 366, as amended, would continue the Texas State Library and Archives Commission until September 1, 2007, and make statutory modifications

recommended by the Sunset Advisory Commission. The bill would implement the following recommendations:

- require review of commercially available microfilming service by the State Council on Competitive Government to determine whether the services should be competitively procured;
- require TSL to charge fees to state agencies for records storage at the State Records Center;
- establish a state-funded grant program to help local libraries meet the information needs of Texans not benefiting by other library programs;
- replace the Records Management and Preservation Advisory Committee with a seven-member interagency coordinating council;
- permit local governments to file a written certification of compliance verifying that the local government has adopted records retention schedules that comply with the minimum requirements issued by the TSL, rather than develop their own schedules;
- provide access to state agency electronic publication through an on-line state agency index developed by the TSL;
- change the duties and membership of the Local Government Records Committee;
- provide a means of recovering illegally removed state government documents; and,
- allow libraries operated by public schools, colleges and universities or state and local government to become members of major resource systems.

The bill would also include standard sunset provisions on gubernatorial designation of the commission chair, development of an accessibility plan, employee career ladder, performance evaluation, equal employment opportunity, standards of conduct and other areas.

The bill would take effect September 1, 1995.

**SUPPORTERS  
SAY:**

SB 366 would appropriately continue the Texas State Library and Archives Commission with the changes recommended by the Sunset Advisory Commission to enhance and streamline services.

SB 366 would require the State Council on Competitive Government to review the TSL's commercially available microfilming services. The state policy is to provide commercially available services only when the state can provide equal quality at a lower cost. More than 20 firms in Austin provide microfilming services, and yet this analysis has not yet been undertaken, as SB 366 would require.

In addition, although TSL generates about \$829,000 in microfilming fee revenue from state agencies and local governments, the TSL is not authorized to charge state and local governments for records storage. The agencies using the storage services costing more than \$26,000 should be accountable for the expenses. SB 366 would appropriately require that TSL charge for its storage services.

The bill would also allow local governments the option of filing a written certification of compliance verifying that the local government has adopted records control schedules that comply with the minimum requirements issued by the TSL, rather than develop their own schedules. Local governments now are required to submit their own records retention schedules to the TSL for review, as required by the local records act.

Of the more than 8,800 local governments subject to the act, only 552 have submitted and received approval on their records retention schedule. Few schedules have been submitted because some local governments do not have the resources to develop a customized retention schedule. Allowing the written certification of compliance in lieu of a customized schedule would be especially helpful to these understaffed local governments. The bill also would change the Local Government Records Committee that advises the TSL on the development of retention schedules to a committee of 12 instead of 35 to make it more effective.

The bill would also make a number of other changes, including requiring TSL to establish an on-line index resource of state publications and abolishing the Records Management and Preservation Advisory Committee to create the interagency coordinating council that would review the state's entire records management system instead of just the TSL's records management program.

OPPONENTS  
SAY: No apparent opposition

NOTES: The committee amendment made several changes to the original version, including allowing the records management officer to file a written certification of compliance with the minimum requirements rather than allowing adoption of the commission guidelines, and deleted language that required retention schedule approval by majority vote of all members.